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July 1994

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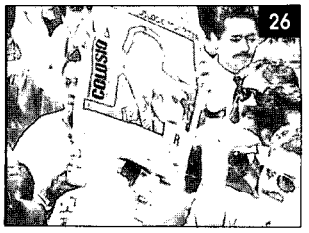

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Fed Up

By Virginia I. Postrel

The problems of the Federal Reserve.

IT WAS THE MOST STRIKING IMAGE OF Bill Clinton's first speech to Congress. Every news report mentioned it: Hillary Clinton, dressed in a bright red suit, flanked on one side by John Sculley, CEO of Apple Computer, and on the other by Alan Greenspan, chairman of the Federal Reserve. Bill Clinton, as usual, had grabbed the symbols of '80s success—of high-tech entrepreneurship (never mind that Sculley had come from Pepsi) and low inflation—even as he bashed the supposed decade of greed.

That was February 1993. Hillary Clinton has since taken to wearing pink and giving press conferences to defend her own slice of '80s excess. John Sculley has been pushed out of Apple. And the clock is ticking for Alan Greenspan, whose term expires in 1996. His likely successor is Alan Blinder, whom Clinton recently appointed vice chairman of the Fed.

Blinder is no Alan Greenspan. Though a well-credentialed economist, he is a Keynesian who looks askance at tight money. He was appointed with Janet Yellin, another inflation dove. If you think Clinton can change the Supreme Court with two new justices, wait till you see what he does with two new Fed members.

These appointments come amid much political grousing about the Greenspan Fed's vigilance against inflation. Clinton himself is gingerly with his criticism, for fear of scaring the bond markets. Others aren't so discreet. Writing in *The New York Times*, Lester Thurow declares, "The Federal Reserve Board has been spooked by the ghost of inflation....The Fed is intent on killing a very weak recovery that has yet to include most Americans."

Many in Congress agree. And Banking Committee powers Sen. Paul Sarbanes (D-Md.) and Rep. Henry Gonzalez (D-Tex.) regularly attack both Greenspan's policies and the Fed's independence and secrecy. Last year's discovery that the Fed had secret transcripts of its Federal Open Market Committee's policy-making meetings heightened the pressure for openness, with some effect. The Fed has started announcing its moves in public, explaining when it's raising interest rates by how much. Such announcements reduce suspicion, rumors, and insider trading based on leaks. But they don't eliminate the fundamental problems of the Fed, problems of knowledge and politics.

FOR THE LAST DECADE OR MORE, WE haven't thought much about those problems. Despite populist complaints from both supply-siders and leftists (notably William Greider in his 1987 book *Secrets of the Temple*), most Americans have been satisfied enough with the Fed's performance not to pay it much attention.

The Clinton Fed could change all that. The notion still reigns in some Democratic circles that there's nothing like inflation to put people back to work. Clinton, for his part, makes a fetish of keeping interest rates low—an unrealistic goal when expanding economies in Asia, Latin America, and parts of the old Eastern bloc will drive up the demand for credit and thus the price of money. Meanwhile, the budget deficit exerts steady pressure to inflate so the government can pay off creditors in cheaper dollars. The next decade may not look at all like the past one.

"The current system," writes Brown University economist William Poole in the journal *Jobs & Capital*, "depends almost entirely on the good sense and good management of the Federal Reserve and on the Fed's political skills in heading off the inflationist tendencies that exist in every Congress and every administration. This arrangement leaves us at great risk, and these risks have not disappeared just because the Fed has been so successful over the last 10 years or so."

Brown alludes to the Fed's most obvious problem: political pressures to tinker with the money supply to favor borrowers over lenders and, in some cases, political incumbents over challengers. To check these pressures, we have an insulated, unaccountable Fed, offending both those who support unbridled majority rule and those who support limited government.

Writes Milton Friedman, "I have found that few things are harder even for knowledgeable nonexperts to accept than the proposition that twelve (or nineteen) people sitting around a table in Washington, subject to neither election nor dismissal nor close administrative or political control, have the power to determine the quantity of money—to permit a reduction by one-third during the Great Depression or a near doubling from 1970 to 1980. That power is too important, too pervasive, to be exercised by a few people, however public-spirited, if there is any feasible alternative."

The courts are similarly insulated and for similar reasons. The law, like the money supply, is a background condition on which individuals and enterprises base their plans. Both should be neutral, treating all citizens equally. In theory, monetary neutrality is, in fact, more easily defined than legal neutrality: It is an undistorted money supply whose growth rate matches the economy's, permitting price changes that reflect only supply and demand, not inflation or deflation.

But coming up with a technical definition of neutrality is a lot easier than producing neutral results. Even the best-in-

tended Fed officials screw up; they misgauge the pace of economic growth or misunderstand what the money supply is doing. Indeed, many current criticisms of the Fed are driven less by a lust for inflation than by a disagreement about what is really happening in the economy.

Technical and institutional changes make mistakes even more common. Measures of the money supply have gotten notoriously difficult to track in recent years, thanks to deregulation and innovations in financial markets. Friedman's proposal of a fixed rate of increase in the money supply, established by statute or constitutional amendment, looks harder and harder to achieve, even if such a law could be passed.

SO WE ARE BACK TO THE OLD PROBLEMS OF economic regulation, the old reasons the government cannot effectively or fairly set prices or choose industrial winners: A centralized bureaucracy can never match the information flows of a decentralized market. And such a bureaucracy can never permanently resist the temptation to play favorites.

To surmount these problems, F. A. Hayek, among others, advocated free competition in money—allowing banks to issue and back their own currencies, free of legal tender laws that enforce a single standard. Rather than pick monetary winners and losers, the government would let competition sort things out. And, Hayek predicted, the demand for stable money would produce neutral currencies. The end of '70s inflation took some of the intellectual momentum out of such ideas. The Clinton Fed may restore it.

We are a long way from a political situation that would permit free competition in money. But we do have an increasingly global economy, in which national currencies compete, and a host of new financial instruments that let investors hedge against the risks of inflation and deflation. In the long run, it matters more whether Washington permits the free development of such instruments—including now controversial "derivatives"—than whom Clinton puts on the Fed.

When Hillary Clinton sat between Greenspan and Sculley, she did more than claim a piece of the '80s. She set up a contrast with implications for the '90s and beyond. Apple Computer is a monument to the unpredictability of the economic world, in which individuals make choices and create value no outsider would have foreseen. The Fed symbolizes just the opposite: centralized control and technocracy, the hubris that declares the economy predictable and easily managed. It will take more than Hillary Clinton's red suit to create a world in which Apple fits comfortably next to the Fed. ®

Weapon Assault

By Jacob Sullum

The advantage of weak arguments.

SUPPOSE A LOBBY GROUP WANTS CONgress to ban "death cars." They are a little fuzzy about what, exactly, "death cars" are, but the vehicles seem to share certain characteristics, including red paint and speedometers that go above 100 mph. These cars are said to be the favored vehicles of speeders and drunk drivers, and they are supposedly designed to cause accidents that kill as many people as possible. Supporters of the ban cannot back up their claims with mechanical explanations or statistics, but they can provide the gruesome details of crashes involving "death cars."

The logic behind the "assault weapon" ban recently approved by Congress is hardly more compelling than the case against "death cars." The legislation's success says more about the level of contempt for the Second Amendment than it does about the strength of arguments for the ban.

Introduced by Sen. Dianne Feinstein (D-Calif.) and Rep. Charles Schumer (D-N.Y.), the "assault weapon" ban forbids making or importing ammunition clips holding more than 10 rounds and semiautomatic firearms that accept such clips and have two or more of these features: folding stock, pistol grip, bayonet mount, threaded barrel for a flash suppressor, grenade launch mount, barrel shroud. The law bans 19 firearms by name, but it covers a total of 184 current models, as well as any new guns that fit the definition.

Notwithstanding the claim by three former presidents that "this is a matter of vital importance to the public safety," there is little reason to believe that banning these weapons will have any effect on violent crime. Despite the scary-looking, military-style features, the guns are no more lethal than hundreds of firearms that remain legal. They fire at the same rate as any other semiautomatic gun—in other words, no faster than a revolver. Their ammunition is of intermediate caliber, less formidable than the cartridges fired by many hunting rifles.

Comments by members of Congress indicate widespread confusion about the capabilities of "assault weapons." Rep. Ronald D. Coleman (D-Tex.) said he reversed his opposition to the ban because he wanted to "make it harder for drug thugs and gangs to get the machine guns that wantonly kill our police officers and children." Rep. Henry Hyde (R-Ill.), whose much-publicized switch helped rescue the ban when it seemed headed for defeat, asked: "What's the difference between a hand grenade and an AK-47 that can spray a crowd and kill people?"

Despite the implication of these and other remarks by supporters of the ban, the legislation does not deal with machine guns, which are already severely restricted by federal law. Since even members of Congress who voted for the ban don't seem to know which guns it covers, the strong support for the measure among

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the general public does not mean much (although it does suggest that voting for the ban did not take quite as much "courage" as the gun-control lobby would have us believe).

SUPPORTERS OF THE BAN ALSO ARGUED that "assault weapons" are disproportionately represented among guns used in crimes. "Although assault weapons account for less than 1% of the guns in circulation," wrote former Presidents Gerald Ford, Jimmy Carter, and Ronald Reagan in a letter to House members, "they account for nearly 10 percent of the guns traced to crime." This number refers to weapons traced by the Bureau of Alcohol, Tobacco, and Firearms. But gun-control scholar David Kopel reports that the BATF traces less than 2 percent of the guns used in violent crime each year, and the sample is not representative.

As Kopel notes, "assault weapons" are more likely to be traced than other guns precisely because they are unusual and have been the subject of so much attention. Furthermore, almost all of them were made after the Gun Control Act of 1968 and therefore have serial numbers, which are necessary to do a trace. Inventories of guns seized from criminals in major cities indicate that trace figures vastly overstate the use of "assault weapons" in crime. Summarizing data from 24 such inventories, criminologist Gary Kleck writes: "Virtually all of these studies show that only 0 to 4 percent of confiscated guns are assault weapons."

Because the statistics show that "assault weapons" are rarely used in crime, advocates of the ban tended to focus on specific cases. Handgun Control Inc. took out a full-page ad in the April 27 *New York Times* describing four murders committed with weapons or magazines covered by the ban. And Hyde said he decided to vote for the ban after Feinstein provided him with accounts of murders, including some in Chicago. This sort of appeal can have a strong emotional impact, but it carries no logical weight whatsoever. Handgun Control Inc. or Feinstein could just as easily have found examples of murders committed with shotguns or revolvers. The anecdotes proved nothing about the merits of the bill.

In the end, the shoddiness of the case for the "assault weapon" ban makes it all the more formidable as a precedent. Gun-control activists will use the points made by the ban's critics to argue for more-sweeping restrictions. They will note that the ban has not had an observable effect on crime. They will discover that it leaves untouched many guns that are just as dangerous as "assault weapons," if not more so. And they will already have established that it's OK to violate the right to keep and bear arms, as long as you have a reason. It doesn't even have to be a good one. ®

Presidential Drift

By Nick Gillespie

Clinton's Haiti policy has no anchor.

PRESIDENT CLINTON'S FOREIGN POLICY is as much at sea as the Haitian refugees it now deigns to protect. Without a coherent, defensible set of principles governing international relations, the Clinton administration must make decisions on an ad-hoc basis, predisposing it toward actions based less on reasoned analysis than momentary political pressures. The result is a jerry-rigged policy virtually ensuring the worst possible outcomes for Haiti and the United States alike.

The great consistency in Clinton's Haiti policy has been its inconsistency. During the 1992 campaign, he excoriated George Bush's policy of returning Haitian refugees as "cruel" and "immoral." Within weeks of occupying the Oval Office, however, Clinton embraced Bush's

policy, fearing the political fallout from increasing numbers of refugees.

This past May things changed once again. Faced with a high-profile hunger strike by lobbyist Randall Robinson and the arrests of several protesting members of Congress, Clinton reconverted to his original position. Citing "Haiti's declining human rights situation," Clinton announced that refugees would now be given asylum hearings on U.S. ships before being sent back to Haiti.

But even as Clinton was staking out the moral high ground, his administration was asserting that the policy shift was essentially meaningless. "About 95 percent of the people coming in are not political refugees," said Deputy National Security Adviser Samuel Berger. "I don't think the numbers are going to be overwhelming."

Given Berger's comments, one wonders why the administration took so long to reverse its policy when a more humane and politically saleable alternative existed. Especially in light of Clinton's campaign statements, the slow pace of change appears both morally and politically incomprehensible. The picture that emerges is of a leader who, even in adopting what Robert Novak calls a "new U.S. get-tough policy," is actually following the path of least resistance.

Other aspects of the administration's Haiti policy bear this out. Clinton has insisted that President Jean-Bertrand Aristide be reseated and that the United States "restore democracy" in Haiti, positions that play well in the abstract. But when the messy contingencies of the real world intervene—as they did last October, when U.S. military trainers attempting to land in Haiti met with resistance—the Clinton administration does the politically expedient thing and reverses course.

Similarly, the new United Nations sanctions, which Berger calls "the toughest sanctions ever imposed in this hemisphere," are little more than a cheap public-relations ploy. It is highly unlikely they will drive out the ruling junta. The administration acknowledges that Haiti's border with the Dominican Republic will remain porous, effectively undercutting any attempt at a boycott. An official of a private relief agency told the *Los Angeles Times*, "The people the embargo is supposed to drive out of power are already getting rich and will get even richer because they now control the import of the food exempted by the sanctions."

The real question, then, is what the United States will do once the sanctions are judged a failure. Haiti's military has upped the ante by officially replacing Aristide and making moves toward ordering the U.N. Civil Mission out of the country. The momentum is shifting toward using force—an option Clinton has pointedly not ruled out—to accomplish what economic isolation could not. As Thomas Carothers of the Carnegie Endowment for International Peace has observed, "U.S. Presidents can tolerate only so much defiance from tinpot strongmen before they send in the marines."

But in the absence of a compelling, coherent national interest (and it is unlikely the Clinton administration will be able to devise one), the support for any military action will be capricious. The Haitian military, in fact, seems to be banking on such a scenario. A senior officer told *Time*, "It'd be just like Somalia. Clinton will run away when the first U.S. soldier is returned in a body bag."

Instead of stumbling along a path likely to lead to more extreme conditions in Haiti and the deaths of American soldiers, the Clinton administration should pursue a less reactionary policy. The White House would better serve the interests of Haitians and Americans by expanding its latest refugee policy and resisting the call to solve Haiti's problems by immiserating its people or invading its shores. ®

In Memoriam: Karl Hess

Karl Hess, dubbed an "unconventional intellectual" by *The Washington Post*, died on April 22 at age 70, two years after receiving a heart transplant.

Unconventional Hess was, but never inconsistent. Over the more than 30 years of his quasi-public life as a writer and political activist, a single theme—pursuit of liberty—dominated both his writings and his deeds.

"Everyone who speaks well of liberty and, more importantly, acts to enjoy it or extend it," Hess wrote as the editor of the Libertarian Party newsletter, "is welcome in my view....My community is the community of all who love liberty."

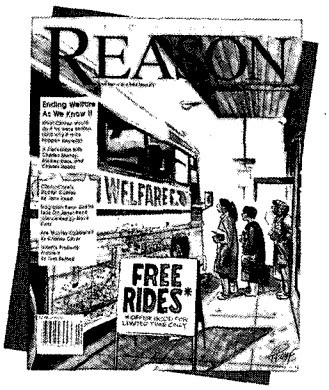
Hess's pursuit of liberty as he understood it sometimes made for strange bedfellows. At one time, he served as 1964 Republican presidential candidate Barry Goldwater's speechwriter. Later, he plunged into grass-roots community organizing, interacting with such groups as the Black Panther Party.

For Hess, liberty was a lifestyle, not simply a philosophical concept. In the 1970s, he strived to build an economically independent community. He brought to that effort ideas reminiscent of British writer E. F. Schumacher's "small is beautiful," experimenting with small-scale, "backyard" technologies, including solar ovens and windmills.

In many ways, this experiment embodied Hess's concept of liberty. Like other libertarian philosophers, he championed individualism. But Hess saw decentralized institutions as pivotal to nurturing freedom. And he seemed especially drawn to struggles for justice by "the little guy."

Though he wrote for numerous publications, including REASON, Hess penned his most famous lines as Goldwater's speechwriter. At the 1964 Republican convention, Goldwater proclaimed, "Extremism in the defense of liberty is no vice; moderation in the pursuit of justice is no virtue." Written 30 years ago, these words offer a concise summation of Hess's lifelong fervor for liberty.

—Lynn Scarlett



Off the Dole

In your forum on welfare reform ("Working on Welfare," Apr.), I was disappointed to see so little consensus among the policy experts about what to do. While we wait for consensus, I suggest a simple compromise: End welfare for new recipients, but keep it in place for current recipients. Grandfathering in existing welfare recipients would be an admission of mistakes made by the government when it designed the welfare system. Those who joined the welfare rolls were only responding to the perverse incentives set up by the government. In a very real sense they were doing exactly what the government told them to.

I was also disappointed by Charles Murray's endorsement of unemployment insurance. He ignores what Henry Hazlitt called the "one lesson" of economics, that you must look "not merely at the immediate, but also at the longer effects" of any policy. Unemployment insurance cushions the blows from recession but also prolongs recession, as individuals become less willing to accept jobs at lower wages and taxes to finance the program reduce the level of new investment.

Luke Froeb
Owen Graduate School of Management
Vanderbilt University
Nashville, TN

You get together three "welfare reform" pundits, including the sainted Charles Murray, and the most they can do is bleat about the business cycle, guaranteed jobs, and social engineering schemes to restore the sacred nuclear family. Clearly they remember the way everyone rolled in wealth during the Depression, when *everyone* came from a two-parent family.

Here is voodoo economics indeed: "It's a lot better for people to work than not to work." How quaint. What the hell does having a guaranteed job have to do with *working*? What's sacred about turning up, punching a clock, and slacking off for eight hours? If the "employee" even bothers to stay on site. These are, after all, *guaranteed* jobs. If the best a free-market bastion such as REASON can come up with is a new smokescreen for the welfare state, what do we need liberals for?

Victor Milan
Albuquerque, NM

Specialist Needs

John Hood's article ("All in the Family Practice," Apr.) is right on. The president's "Health Security Plan" would take medicine back to where it was when I started practice 45 years ago as far as specialization is concerned. With fewer specialists in practice, they would locate in cities, as they did then. It was hard to reach them and harder still to get a patient under their care.

Two ideas help drive the Health Security Plan: that doctors can save money by preventing illness and that medicine can be practiced more cheaply by nurse practitioners. Both are false. Most of what passes for prevention is actually early diagnosis. It is expensive. "Community health clinics" care for patients with nurse practitioners now, but they cost more, not less, than private medicine.

The division of labor is fundamental to civilization, and no place is this more true than in medical care. A good general practitioner is the least expensive entry point into the system. He and his patients need specialists available if the quality of patient care is not to slip backward.

W. Edward Jordan Jr., M.D.
Skowhegan, ME

John Hood quotes the wanna-be president, Hillary, as saying, "There will clearly still be opportunities to go into specialties and subspecialties. But you know, it's about time we start thinking about the common good and the national interest, instead of just individuals, in our country."

Didn't we just spend 45-plus years (and many lives) fighting socialists and communists who said the "national interest" was more important than the individual and then set out to deprive the individual of his/her rights in favor of the "national interest"? Is it 1917 again?

Ric Crawford
Acton, CA

Contingent Truths

I was intrigued by Ida L. Walters's article "Temping Fate" (Apr.) because I've been one of those "disposable" workers, by happy choice, since 1975. What I would really like to know is why anyone thinks we are a "problem."

As a technical writer and logistics engineer, I've worked for commercial companies and defense contractors from coast to coast and border to border on a contractual basis for 18 years and hope to continue to do so indefinitely. For my efforts I receive more pay, not less, than "captive" employees. The higher discretionary income allows me to plan for my own benefits as best suits me. Job security, I learned long ago, is not working a lifetime for one employer and then retiring; job security is being very good at what you do, combined with a willingness to go anywhere in the country, or world, to do it.

But our way of life is under governmental attack. In recent years the very concept of consulting has been redefined, grossly interfering with our constitutional right to contract directly with a client and instead forcing most of us to become W-2 employees of independent contracting firms that in turn contract our services to the client. And we've now been denied the right to deduct our very substantial away-from-home expenses if an out-of-town job

Politics, Financial Markets, & Popular Culture . . . .

. . . Do the trends in human affairs reveal a common link?

Yes, because the social mood will dictate those trends. Human nature is immutable; patterns of behavior repeat themselves, and are thus predictable.

Those repetitive patterns flow from the collective choices people make about who to vote for, when to invest, what to buy, even how to dress.

What appears random and unrelated will actually trace out a recognizable pattern, if you know what to look for.

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Perhaps you've heard of Robert Prechter, from the success of his long-term market forecasts. Yet his analysis of social trends is just as astute. For example, at the height of George Bush's popularity (a record 91% approval following the war with Iraq) conventional wisdom said he couldn't lose the 1992 election. Remember? Yet Robert Prechter insisted that the cyclic forces of public mood would preclude Bush's re-election.

Prechter also has specific ideas about the prospects for Bill Clinton that you will find fascinating. Why not introduce yourself to our company? Many of our customers were initially attracted by our cultural and political analysis, and stayed because our investment forecasts are so good.

For example, while forecasting a great bull market for the 1980s in their 1978 classic, ***Elliott Wave Principle: Key to Market Profits***, Robert Prechter and A. J. Frost anticipated what would follow that bull market, with this explanation:

> *As this century progresses, it becomes clearer that in order to satisfy the demands of some individuals and groups for the output of others, man, through the agency of the State, has begun to leech off that which he has created. He has not only mortgaged his present output, but he has mortgaged the output of future generations by consuming the capital that took generations to accumulate. Minimum wages that deny employment to the unskilled, socialization of schools which smothers diversity and discourages innovation, rent control that consumes housing, extortion through transfer payments and stifling regulation of markets are all man's political attempts to repeal the natural laws of economics and sociology, and thus of nature. The familiar results are crumbling buildings and rotting railroads, bored and uneducated students, reduced capital investment, reduced production, inflation, stagnation, unemployment and ultimately widespread resentment and unrest. Institutionalized policies such as these create increasing instability and have the power to turn a nation of conscientious producers into a private sector of impatient gamblers and a public sector of unprincipled plunderers. When the fifth wave of the fifth wave tops out, we need not ask why it has done so. Reality, again, will be forced upon us. When the producers who are leeched upon disappear or are consumed, the leeches who remain will have lost their life support system, and the laws of nature will have to be patiently re-learned.*

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lasts more than a year, a situation that will harm both client and contract employee, since most of us will quit and return home before the year, and the job, is up.

Ms. Walters claims there's a hidden agenda behind the "myth" of the contingent work force: a desire by the Labor Department and the unions to control the "problem" to their own benefit. While I don't doubt her assessment of these two power-hungry entities, most of us in this industry identify the true culprit as the IRS. As Tom Bethell pointed out in "The Mother of All Rights" in the same issue: " 'It was only as the bedouin could be induced to settle and invest in immovable objects that they could be controlled.' For 'controlled,' read 'taxed,' which is to say: expropriated." It's far easier to control, tax, and expropriate a stationary work force than it is to dominate the nomadic lifestyle of the freedom-loving contract employee.

Garry L. Reed
Ft. Worth, TX

Jury Duty

Virginia Postrel ("Lack of Conviction," Mar.) brings out a fundamental paradox of American criminal justice: A jury, consisting of ordinary people, is bound to follow the law and may only evaluate the credibility of evidence and testimony; the jury may only decide facts and render a decision of guilt or innocence based upon the law. On the other hand, judges are bound to uphold the law and to instruct the jury properly on the law.

The results of some sensationalized criminal trials have led many observers, including Ms. Postrel, to conclude that judges or juries in general are shirking their responsibility to ensure that perpetrators of violent crimes go to jail. As a matter of law, such generalizations are misplaced.

When instructing a jury, a judge should keep in mind that American law is based upon fundamental morality. A keen judge, sorting out the irrelevant issues in a case, should remember that American law is rooted in the basic principle that an individual is responsible (and liable) for his or her own actions. Bearing this in mind, a judge will limit the availability of the insanity defense and discourage arguments that other people, agencies, or laws sanction or encourage violent behavior. Criminal defendants will thereby be viewed less frequently as victims and more often as individuals responsible for their own actions.

Ms. Postrel confuses morality with personal bias and forgets the role of the prosecutor in screening jurors when she writes, "A good defense lawyer will screen out potential jurors willing to make moral judgments." To suggest that "our juries have gone soft on crime" implies that a jury should be permitted to render a verdict based on its collective bias.

Roy A. Barry
Melville, NY

There has been no clearer principle of English or American law than that in criminal cases, it is not only the right and duty of the jury to judge what are the facts and what is the law and what is the moral intent of the accused, it is also their right and primary and paramount duty to judge the justice of the law and to hold all laws invalid that are, in their opinion, unjust or oppressive and all persons guiltless in violating such laws. (See "An Essay on the Trial by Jury," by Lysander Spooner.)

Juries are not permitted to take their true responsibility because judges uniformly require potential jurors to take an oath not to question any rule of law given to them in the jury instructions. In so doing, the judicial system is subverting the Sixth Amendment right to trial by jury.

By acquitting the person who stands accused of violating an unjust law, the jury does not rewrite the law in question. It merely nullifies it in that particular case. Eventually, the statists will get the message that the law must be changed, since they cannot get convictions under it. The final responsibility for changing the law rests with the legislature, where it belongs. The lack of this jury prerogative has allowed oppressive laws to go unchecked.

Andrew B. Spiegel
Wheaton, IL

Ms. Postrel replies: My argument is not with the juries of Lysander Spooner's day but with the juries of our own day and with the legal system *and culture* that encourage the acquittal of defendants who admit to committing violent crimes but offer their own "victimhood" to excuse their actions. High-profile cases in which defendants can attract far better lawyers than the typical public defender may not yield typical trial results, but they are indicative of widespread attitudes—despite the conventional wisdom that Americans are outraged about crime.

The jury system undoubtedly needs an overhaul. But those who argue for giving juries explicit responsibility for ruling on the law as well as the facts ought to consider the implications of that policy when combined with a culture of victimhood that declines to hold individuals responsible for their actions and a jury system that screens out huge swaths of the population, including those people who are most likely to apply the law objectively. (Because jurors aren't adequately compensated for their time and are therefore excused if their employers don't pay for jury days, the system also stacks juries with government employees and retirees.) And they might consider the effect that jury discretion has already had on the tort system: "Compassionate" jurors have used their power to redistribute huge sums from "deep-pocket" defendants to injured parties even when the defendants' responsibility for the injury is minimal or nonexistent.

Communicate with REASON

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Business Burdens

The next time you address unfunded mandates from government (Trends, Mar.), you should consider the most onerous and burdensome of all—those imposed on private business and industry. As of now, private businesses are required to:

a) discover, report on, and impose sanctions for violations of the federal laws regarding immigration and "undocumented" labor (without, of course, running afoul of an array of contradictory civil-rights statutes and mandates);

b) obtain, post, and maintain various warning signs and posters covering everything from breathing suspected carcinogens, drinking spirits while pregnant, and filing for worker's compensation benefits to practicing earthquake and fire safety;

c) reconstruct or modify their facilities and practices to accommodate an as yet undetermined aggregation of disabled employees and customers, so far including (among many others) recovering alcoholics, former mental patients, obese people, and those with actual physical disabilities;

d) obtain a wide assortment of licenses, permits, approvals, and authorities from several levels of government simply to be allowed to conduct their business;

e) levy, collect, and remit various sales, use, excise, withholding, Social Security, and other taxes; and

f) develop procedures for, enforce, and report on the enforcement of dozens of workplace statutes and regulations, including those concerned with health, zoning, safety, injuries, construction, parking, lighting, and air quality.

All this is expected without any funding from those imposing the requirements. Indeed, in addition to the inherent costs of carrying out these mandates, businesses are usually required to pay the regulators for all sorts of mandatory filings, documents, permits, and audits. I suspect the aggregate cost to private businesses (and the U.S. economy) of meeting these "unfunded mandates" makes the cost to the cities pale into insignificance.

Paul Bent
Long Beach, CA

Mailed and Mauled

The April 1994 issue arrived looking as though it had been read, dog-eared, and passed from one person to another, until the entire U.S. Postal Service had read it and further mutilated it. If I thought they had actually read it, I wouldn't mind, on the off chance that they might have learned something, but I fear that is not what happened. Reason(ing) tells me that it was mutilated in passing, as it was transferred from one conveyance to another.

Some of my other magazines come in a plastic, sealed mailer which protects them from the type of tender loving care that the Postal Service gives them. I used to enjoy doing jigsaw puzzles, but they didn't consist of entire magazine issues.

Frank Webster
Detroit, MI

The editors reply: We heard from several readers about mauled April and May issues, so we looked into "poly-bagging," as it's known in the trade. It would cost us $2,000 an issue—money we don't have. So until a generous donor blesses us with a tax-deductible poly-bag fund, we'll be happy to replace any issue that arrives looking like a jigsaw puzzle. Please call or write our circulation director, Alyssa Garey, and she'll send a replacement copy immediately.

Corrections: In the May cover story by Jonathan Rauch ("Suckers!"), the honey subsidy was mistakenly referred to as lasting 33 years. It actually lasted for 43 years.

Due to an editorial error, the last sentence of the May column "Banking on Markets" read, "Fifty years later, that's an all-too-accurate description of the current banking scene." The sentence should have begun, "Sixty years later..."

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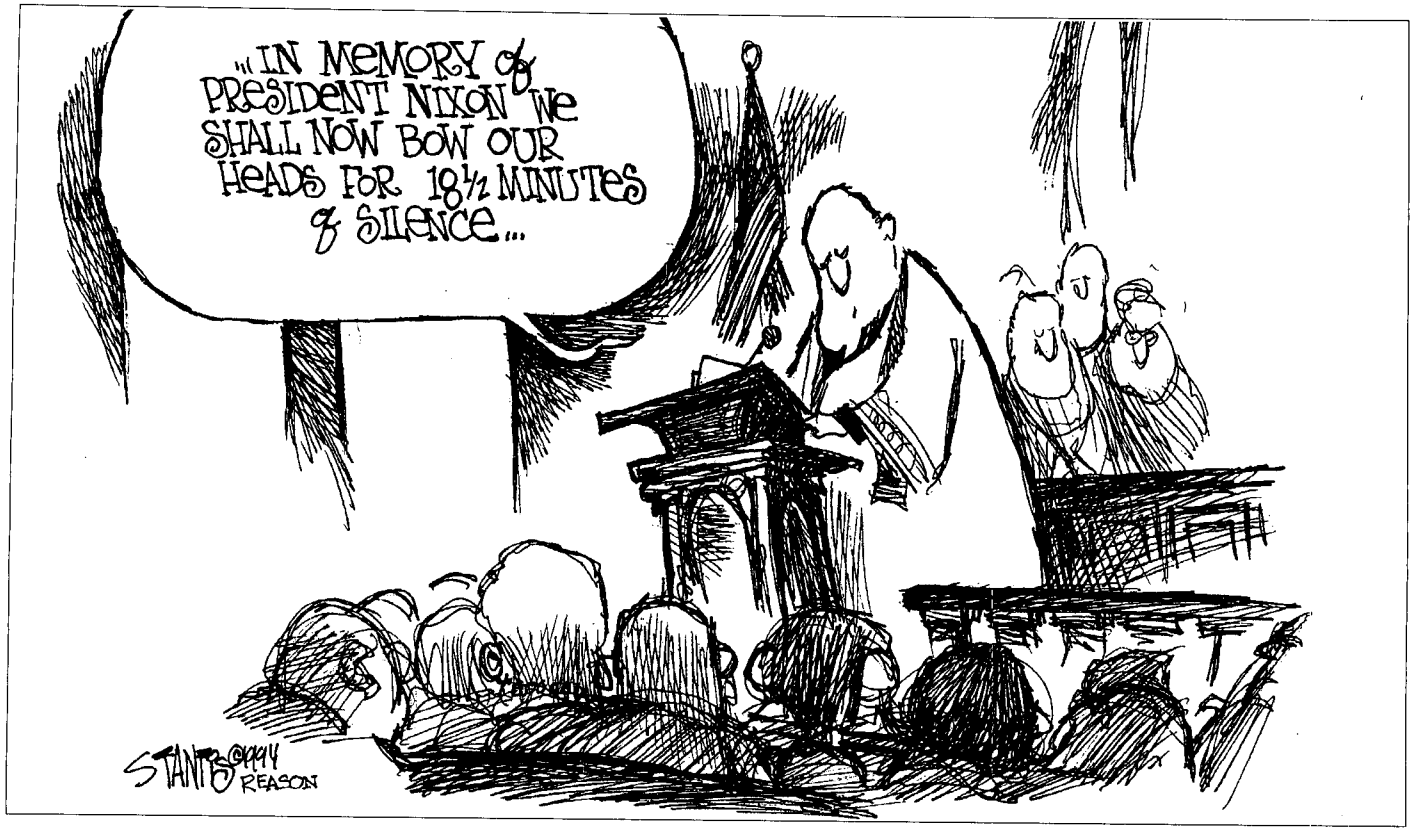
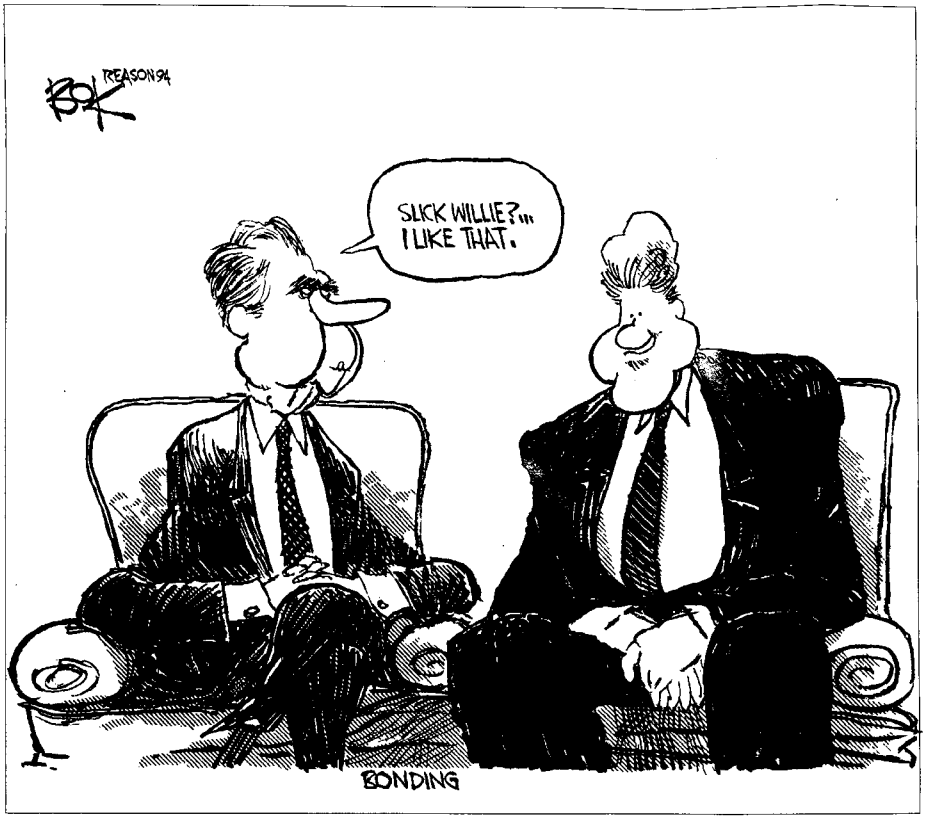


SCOTT STANTIS

HENRY PAYNE



CHIP BOK

■ **Parents who pick up a new copy of the** *Adventures of Mother Goose* may find that the nursery rhymes have changed a bit since they were kids. A Minnesota publisher has decided to make the tales "reflect contemporary values." The three blind mice are now the "three kind mice." And the old woman who lives in a shoe no longer strikes her children.

■ **While we are on this subject, political correctness** is coming to board games. Milton Bradley Co. has announced that the next edition of the official Scrabble dictionary will eliminate words that are considered offensive on racial, ethnic, or gender grounds.

■ **In Hollywood, producers of the new film** *No Escape* say they changed the movie's original title, *Penal Colony,* after marketing surveys revealed that most people assumed that it must be a porno flick.

■ **In this same city, people are abuzz about** the upcoming movie based upon the classic *The Scarlet Letter* starring Demi Moore. OK, so the producers are going to make a few changes in Nathaniel Hawthorne's story. Changing the ending to a more upbeat note and adding an Indian attack and a couple of nude bathing scenes? Well, those are for commerce. But other changes have been made to make the film "more relevant." Said one person close to Moore, "We liken Hester Prynne a lot to Anita Hill."

■ **What causes people to kill? Broken** homes? Poverty? According to 200 members of the British Parliament, it's *Schindler's List.* Under the guise of protecting children, one-third of Britain's lawmakers have backed a proposal to ban the sale of all videotapes containing violent images or role models inappropriate for children. About 70 percent of British households don't have minor children.

■ **Jane Nofke was asked to leave a Toledo** (Ohio) Museum of Art exhibit after she began to nurse her 3-month-old son. The exhibit was a collection of nudes by Rubens.

■ **Feminist author Alice Walker was honored** to be named a "California treasure," until she actually got the award. She wasn't very happy with the foot-tall statue of a woman's torso sans head, arms, and legs. "Though these mutilated figures are... considered 'art' by some," she said, "the message they deliver is of domination, violence and destruction."

■ **When Arizona Gov. Fife Symington suggested** giving the people of his state a $101-million tax cut, the idea was immediately attacked by state Sen. Peter Goudinoff. His reasoning: Lowering state taxes will only leave Arizonans with more money, and they will therefore have a greater federal income-tax liability.

■ **For about a year now, the U.S. Office of** Thrift Supervision has been pursuing what it said was a major gambling ring run by OTS employees. Officials seized hundreds of pages of e-mail and computer files. After their investigation, the OTS reprimanded eight individuals and suspended two others...for participating in a fantasy baseball league. The two who were suspended fought their punishment, and one's immediate supervisor lifted the punishment after the man agreed not to play the game on government premises. This leniency infuriated the investigators, who promptly charged the supervisor with failing to follow OTS procedures.

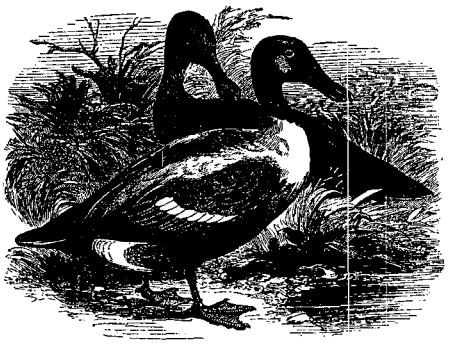
■ **The city of Los Angeles has ordered a nude** dancing club to take down or modify a shower enclosure where its ladies perform. The reason: The shower isn't handicapped accessible. If the owners want to keep the shower, they'll have to redesign it so that a woman in a wheelchair can perform in it.

—Charles Oliver

Russian Refuge

Conservation begins with a private park.

By Elizabeth Larson



"THERE MUST BE A THOUSAND ways to save a wetland," writes Jim Harris of the Wisconsin-based International Crane Foundation. His colleagues in Russia have come up with what they believe is one of the best: a private nature reserve and park.

Backed by conservation groups such as Harris's and by an international corps of business donors, Moscow State University professor and naturalist Sergei Smirenski has realized his dream of opening a private park that is simultaneously a wildlife preserve—home to such rare beauties as the red-crowned crane—and a recreation and education park. The Murovyovka Nature Park, which consists of 11,000 acres of marshes and forests along the Amur River in eastern Russia, has been leased from the government for 50 years by the Socio-Ecological Union of Russia, an environmental group Smirenski belongs to. The first $80,000 for the park was donated by the Wild Bird Society of Japan.

Although the park attracted support from around the globe, local wildlife officials in Amur sought a court order to block the project. They felt that as a public agency they could do a better job managing the lands than a private group could. *The Christian Science Monitor* reports that while the agency was initially successful in obtaining a court order, the local government, backed by officials in Moscow, has moved to have the decision reversed as illegal.

This power struggle reflects two different philosophies of conservation. The wildlife officials take the country's traditional wilderness approach to conservation, in which lands are off-limits to all human use except minimal scientific research. The Murovyovka Park's planners, on the other hand, believe in private management that allows for multiple land use and gives local residents and farmers an interest in the park.

"It really looks as if Russia is moving down the road to ecological property rights," says Jim Sheehan, an environmental policy analyst with the Competitive Enterprise Institute. "This demonstrates that a country with a clean slate is better off coming up with its own innovative ideas for conservation rather than simply following what the Western countries tell them to do." ℞

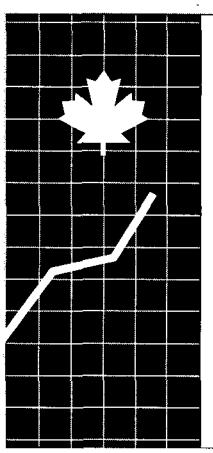
The Wrong Way to Save

Canadian health care: not cheaper, not better

By Rick Henderson

Supporters of nationalized health care for the United States most often use Canada's tax-financed, single-payer medical system as their model for American reforms; an initiative to establish such a system will be on the November ballot in California. Single-payer advocates say Canada's price controls preserve quality and restrain medical costs. While Canada does spend less per person on medical care than the United States (in 1991, Canada spent $1,915, the United States $2,868), Canada has not ended health-care inflation.

The National Center for Policy Analysis notes that from 1967 to 1987 inflation-adjusted per-capita medical spending went up slightly more in Canada (4.6 percent) than in the United States (4.4 percent). Though spending in the United States has recently gone up more quickly than in Canada, the NCPA argues that Canada has chosen two dangerous methods of saving money: denying care to patients (5 percent of the Canadian population is waiting for some medical service) and scrimping on high-tech medicine (the United States has three to 10 times more CAT scanners, magnetic-resonance imagers, and lithotripters per person than Canada).



Increases in Real Health-Care Spending per Capita

Years	U.S.	Canada
1967–72	5.47%	6.36%
1972–77	4.18	3.39
1977–82	3.71	4.12
1982–87	4.15	4.45
1987–91	9.8	6.9

Sources: National Center for Policy Analysis, Health Insurance Association of America, Health and Welfare Canada, Fraser Institute

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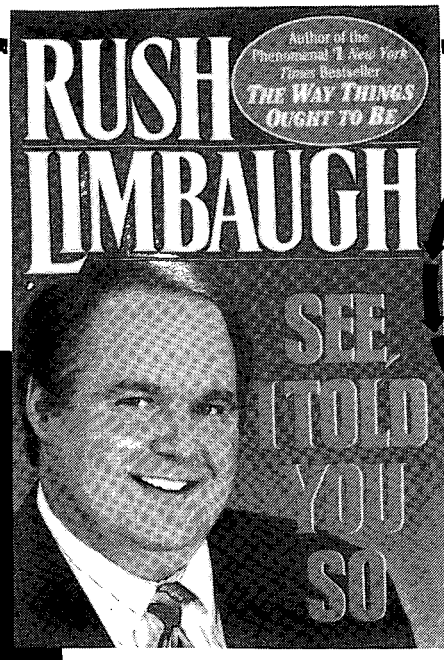

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Balance Sheet

By Rick Henderson

Assets

Speak Easy. The courts rebuff attempts to limit "indecent" language. In Washington, the state Supreme Court overturns a law prohibiting the sale of "erotic" recordings. And when the Federal Communications Commission refuses to sanction a station for broadcasting risqué material, the U.S. Supreme Court says listeners can't appeal the decision.

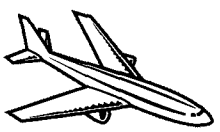
Selling Streets. The privatization revolution accelerates. More than $388 billion in state-owned enterprises have been privatized over the past decade, $60 billion of that in 1993 alone, reports *Privatization 1994*, the Reason Foundation's annual survey. Even Gerald McEntee, head of this country's largest public employees' union, admits that "competition can be a part of [reinventing government]."

Work Fair. Native-born Americans are twice as likely to be on welfare as recent immigrants, says the Urban Institute. Excluding refugees, who can't plan their arrivals, only 2 percent of working-age legal *and* illegal immigrants get public assistance, compared with 3.7 percent of natives. Says the Manhattan Institute's Linda Chavez in *USA Today*, "Entitlements—for foreign-born and native alike—are the real problem."

Dope Deal. As the California legislature considers legalizing medical marijuana, Germany goes further: By a 6-to-2 vote, the country's Supreme Court rules that the government may no longer prosecute people for possession or use of marijuana or hashish in small amounts. Each state will decide how small is small.

Liabilities

Malpractice Assurance. "Incremental" health reforms backed by moderate Rep. Jim Cooper (D-Tenn.) and conservative Sen. Trent Lott (R-Miss.) could have enormous costs. Last year, New York instituted community rating, which makes premiums identical for healthy and sick people, and banned policies that exclude persons with pre-existing conditions. *Investor's Business Daily* reports that premiums for a single male younger than 30 have increased by 170 percent. And 30 percent of Mutual of Omaha's customers dropped coverage; the average age of its policy holders has risen from 41.5 to 45 years.



Unfriendly Skies. Old Democrats in Congress torpedo plans for an independent, corporatized Federal Aviation Administration. (See "Sky Cops," May.) At a press conference intended to launch a bill to corporatize the FAA, Transportation Secretary Federico Peña instead announces a retreat. The administration will "jointly shape legislation" with congressional barons Sen. Wendell Ford (D-Ky.) and Rep. James Oberstar (D-Minn.), who micromanage the FAA and don't plan to surrender turf.

Water Fault. If the Mississippi floods again this summer, grab your wallet. The General Accounting Office reports that premiums paid for federal flood insurance in 1991 were $780 million less than if they had been based on actual risk. And to cover losses from last year's floods, the program had to borrow $100 million from the Treasury.

Green Pork. Viros push Congress to create a National Institute for the Environment to support peer-reviewed environmental research. At a May congressional hearing, Rep. George Brown (D-Calif.) and other supporters of the NIE clearly signal which "peers" the institute would support: alarmists pushing global warming, ozone depletion, environmental racism, and other pseudo-catastrophes.

Pot Luck

Marijuana and driver fatalities

By Jacob Sullum

OBSERVING THE CARNAGE CAUSED by drunk drivers, opponents of drug legalization worry that making marijuana easier to obtain would multiply the number of traffic fatalities. A study released this year by the National Highway Traffic Safety Administration suggests that such fears are overblown.

The study examined 1,882 accidents in seven states, all of which resulted in the driver's death. In each case, blood drawn from the driver was tested for traces of 24 drugs. Based on official records, a researcher who did not know the results of the drug test independently assessed the driver's responsibility for the accident.

Drivers under the influence of alcohol alone (about 40 percent of the sample) were significantly more likely than drug-free drivers to be deemed responsible for their accidents. But drivers under the influence of marijuana alone (about 1 percent of the sample) were no more likely than drug-free drivers to be deemed responsible. "There was no indication that cannabis by itself was a cause of fatal crashes," the report says.

This result does not prove that driving under the influence of marijuana is safe. But it does indicate that the drug's current role in fatal accidents is minor, and it jibes with laboratory research finding that marijuana impairs motor coordination less than alcohol does.

Marijuana legalization probably would mean more stoned drivers. The number of users would increase, and current users would be more likely to smoke pot away from home. But given the evidence that people use alcohol less when they use pot more (see Trends, July 1993), marijuana legalization could also mean fewer drunk drivers. If drunk drivers are a lot more likely to cause accidents—a conclusion supported by the NHTSA study—the number of traffic fatalities might stay about the same, or even decline. ®

Taking Charge

Protecting property owners from regulators

By Rick Henderson

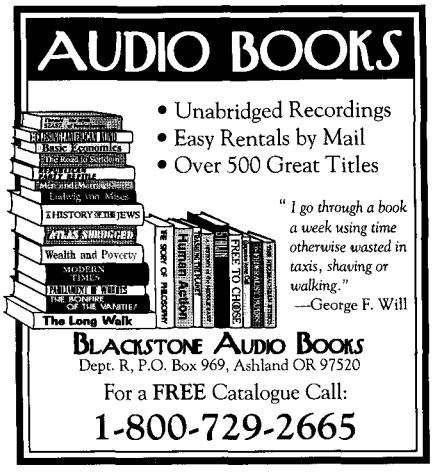
DURING THE PAST FEW YEARS, DOZENS of grass-roots property-rights organizations have sprung up across the country to protest what their members see as environmental regulations run amok. "After 20 years of dealing with intrusive regulatory regimes in the United States, people are starting to realize these rules are affecting them and aren't protecting the environment," says David Almasi, publicity director of Defenders of Property Rights, a public-interest law firm in Washington, D.C.

The letter-writing and networking campaigns of these tiny organizations have started paying off. In April, Mississippi Gov. Kirk Fordice signed a bill that lets owners demand compensation when new state regulations reduce the value of privately held forest land by 40 percent or more. Since 1991, six states—Arizona, Delaware, Indiana, Utah, Virginia, and Washington—have enacted laws that require environmental regulators to assess the costs they impose on property owners. And 91 property-rights protection bills are pending in 36 state legislatures.

Under most of these bills, whenever a state agency proposes a regulation that would limit an owner's use of his property, such as designating property as wetlands or as habitat for endangered species, the agency has to estimate how much that regulation would reduce the property's value and report the cost. Many of these measures would also require the agency to consider less-costly alternatives to the proposed regulation. (The bills generally do not apply to eminent domain, forfeiture, and compliance with federal or state court orders.)

Thirty-two of the bills go a step further. Whenever a new regulation results in a "taking" of property, the owner can demand either that the state condemn the property and purchase it at fair market value or that the state pay him the amount the regulation would cost him. Most of these bills define a taking as any regulation or other government action that reduces the property's value by more than 50 percent.

As of mid-April, property-protection bills had passed one house of the legislature in 11 states. The bills, says University of South Carolina law professor Steve Smith, "provide sunshine," requiring regulators to think about and publicize the implications of their actions. R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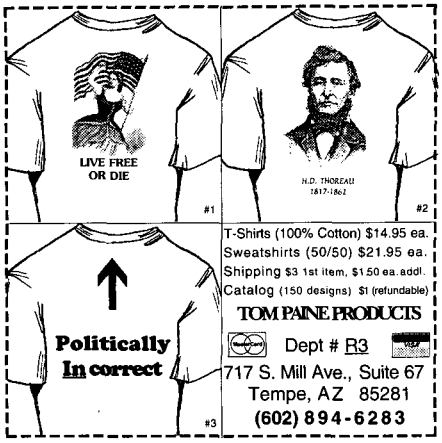

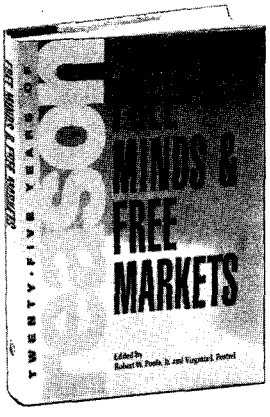

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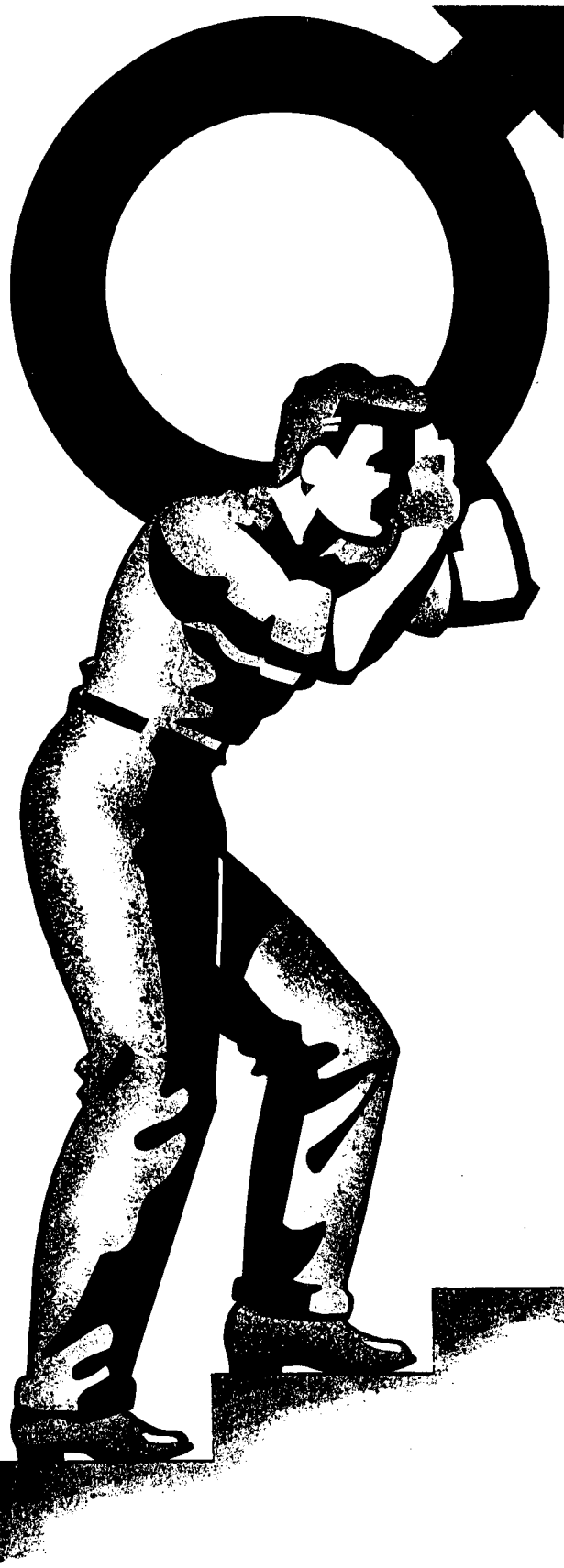

R. KENTON NELSON

n Troubles

Making sense of the men's movement

By Cathy Young

Mas·cu·lism *(mas'kyə liz'əm),* n. ***1.*** *the belief that equality between the sexes requires the recognition and redress of prejudice and discrimination against men as well as women.* ***2.*** *the movement organized around this belief.*

Not to worry: This word is not in the dictionary. But it would be if the decision were up to Warren Farrell, Jack Kammer, and others activists in the men's movement.

The men's movement? Even the term evokes ambivalent feelings. Whenever, while working on this article, I mentioned that I was writing about the men's movement and added, "but not the guys who go into the woods and beat drums," the typical response from both women and men was, "Is there any other kind?"

In fact, there are hundreds of men's groups in the United States and Canada. Some are mainly "mythopoetic," geared to "healing" and rediscovering masculine archetypes (typified by Robert Bly's retreats for men). Most, however, emphasize social and political issues, protesting what they see as unfair treatment of men in areas ranging from divorce to health care.

Is sexism against men an oxymoron? A few points to ponder:

• Despite gender-neutral laws in many jurisdictions, pro-maternal bias in custody cases remains widespread. In a Georgia court recently, a father who stated at a hearing on support payments that the child was with him nearly half the time was told, "It's admirable that you want to spend time and actually do spend time with your child, but the *mother* has the responsibility for nurturing, parenting, and raising this child. Your responsibility is to provide child support."

• Alleged bias against girls in schools has been the focus of great concern even though boys are more likely than girls to drop out of school and less likely to go to college. Studies indicating that boys get more teacher attention in the classroom have been widely discussed, while findings that boys are punished much more often and more harshly than girls *for the same misbehavior* are ignored.

• The judicial system tends to treat female defendants more leniently than males. When a man and a woman are accomplices in a crime, the woman is more likely to be offered a plea bargain. And violence against women is singled out for media attention and legislative action. The Violence Against Women Act, passed by Congress this year as part of the crime bill, defines many crimes against women as federal civil-rights offenses and allocates federal funds to areas with the highest rates of crime against women. Yet nearly 65 percent of violent-crime victims and 75 percent of homicide victims are male.

• While 35,000 American men a year die of prostate cancer and 43,000 women die of breast cancer (at a somewhat earlier age), breast-cancer research gets six times as much federal money as prostate-cancer research.

• Abortion is widely available without the father's consent, but men can be forced by the courts to provide financial support for children they never wanted in the first place. Does this mean that only women have reproductive rights and that only men can be forced into parenthood?

The question is how to confront the real biases affecting men without lapsing into the whining and gender warfare that permeate modern feminism—and also show up in some masculist publications, where men said to be unjustly convicted of sexual assault are described as "political prisoners" and the status of

American males under feminist rule is compared to that of Jews in Nazi Germany. Men's advocates have had, at best, limited success in reaching the public. Whatever people may think of the National Organization for Women, they know about it; very few have heard of the National Coalition of Free Men (NCFM) or Men's Rights Inc. Representatives of these organizations are rarely asked for their opinions by the media, let alone by legislatures.

"We must disabuse ourselves of the notion that women are the only gender with valid items for the agenda, and that men constitute the only sex that has advantages to share," writes Baltimore journalist and activist Jack Kammer in the introduction to *Good Will Toward Men* (St. Martin's, 1994). The book consists of conversations with 22 women, including me, who speak of cultural norms and biases that are hurting men today—from the tendency to view sexual miscommunication as unilateral male victimization of women to the devaluation of fatherhood by both the welfare system and the treatment of divorced parents.

The interest in men's issues is a much-needed corrective to the increasingly obsessive tendency to focus on real or fictitious disadvantages affecting females and ignore those affecting males. Moreover, by encouraging more role flexibility for men as well as women, and in particular greater male involvement in home life, the men's movement may be an essential step in achieving the work/family balance often described as the key issue on the "women's agenda." Most men's activists see their cause as the other, neglected half of the feminist enterprise of gender-role transition. "The best, constructive message of feminism," Kammer says, "was to ask men to examine whether they believe that they are inherently superior to women in any important ways. That's very good, but that's only half the problem."

The interest in men's issues is a much-needed corrective to the increasingly obsessive tendency to focus on real or fictitious disadvantages affecting females and ignore those affecting males. Moreover, by encouraging more role flexibility for men as well as women, and in particular greater male involvement in home life, the men's movement may be an essential step in achieving the work/family balance often described as the key issue on the "women's agenda." Most men's activists see their cause as the other, neglected half of the feminist enterprise of gender-role transition.

Unfortunately, masculism also has a tendency to adopt the less constructive traits and tactics of modern feminism, including polarizing rhetoric, exaggerated claims of victimization as the basis of political demands, and the tailoring of facts to fit ideology. If the movement becomes simply feminism with a scratchy face, it will be rightly derided as an attempt to convince the world that white heterosexual men are victims, too. But if men's advocates are consistent in applying principles of fairness and equality, they will have much to say of value to women as well as men.

Perhaps the main reason that male claims of gender-based inequities are not taken seriously is that, in the minds of most people, gender oppression is synonymous with oppression of women. In their effort to counter this perception, some men's advocates are challenging not only the view that women are oppressed today but the assumption that women were historically the oppressed sex.

The strongest attack on this assumption comes from an unlikely source: Warren Farrell, formerly an activist in the women's movement and the only man elected three times to the board of the National Organization for Women. Farrell is the author of *The Myth of Male Power* (Simon & Schuster, 1993), which Barbara Dority, co-chair of the Northwest Feminist Anti-Censorship Taskforce, says has the "potential for being *The Feminine Mystique* of the men's movement." Farrell writes: "Feminism justified female 'victim power' by convincing the world that we lived in a sexist, male-dominated, and patriarchal world. *The Myth of Male Power* explains why the world was *bisexist*, both male *and* female-dominated, both patriarchal and matriarchal—each in different ways."

Farrell's book is filled with startling challenges to the standard view of gender inequity. Why, he asks, do we hear about the clustering of women in low-paid jobs but not about the clustering of men in dirty, physically demanding, hazardous jobs, or about the fact that 94 percent of workplace fatalities are male? Why is it that the higher mortality rates of blacks compared to whites are seen as clear evidence of racial disadvantage but the higher mortality rates of men compared to women are overlooked? If women killed themselves four times as often as men, rather than the reverse, wouldn't we be hearing about it from NOW and from Pat Schroeder? How were men empowered by the fact that they were the ones who got killed in wars?

In short, Farrell wants us to see the sacrifices often involved in the male role, from risking one's life in battle to breaking one's back in a factory. (The traditional husband who wanted his wife at home also made himself work harder to support her and the

kids.) According to this view, both sexes were equally enslaved by a division of labor that was historically necessary to ensure survival: Men provided and protected so that women could bear and nurse children—and, since the survival of the species required more females, males were more "disposable."

Technological progress, Farrell says, eliminated most of the need for the old division of labor, enabling people to seek personal fulfillment. But because men were seen as the powerful sex, the reexamination of gender roles focused solely on female disadvantage. So role restrictions that oppressed women were largely eliminated, but those affecting men, such as the male-only draft, remained.

This version of history is surely more accurate than, say, Marilyn French's *The War Against Women* (Summit, 1992), according to which the human male is always in search of ever more ingenious ways to abuse and degrade the human female. Traditional sexual arrangements always had elements of social contract, not merely subjugation.

And yet it is far too simplistic to say that men's dominance in the outside world was balanced by women's dominance in the family. "Doesn't Farrell understand that economic power outside the home translates into power within the home?" says feminist writer Wendy Kaminer. "Of course, if the man loves the woman more than the woman loves the man, she has a certain power, and that's a real power. But it's so difficult to generalize. We can find five relationships in which the woman has more power emotionally and five relationships in which the man does."

Masculists are oblivious to the historical male advantage because participation in the human enterprise is no longer high on the feminist agenda. Today, many passages from The Feminine Mystique would be branded as conservative. To speak of the search for knowledge and truth is to accept the patriarchal model of knowledge as possession; to exalt the capacity for building one's world is to glorify white male rape of the earth; to elevate humans above animals is specieist. We are now supposed to scoff at "male" notions of unique genius rather than lament the absence of a female Shakespeare.

Even many of Farrell's admirers, such as Barbara Dority, have doubts about the lengths to which he takes the "equal oppression" argument—particularly when it is not limited to recent Western history. On the status of women in Islam, Farrell comments, "If women had to promise to provide for a man for a lifetime before he removed his veil and showed her his smile, would we think of this as a system of female privilege?" He forgets that men in Muslim societies generally have had the power not only to restrict their wives' movements, and in many cases to kill them, but also to divorce them at will.

"If we can make meaningful comparisons," says Ferrell Christensen, a philosophy professor at the University of Alberta in Canada and co-founder of MERGE, the Movement for the Establishment of Real Gender Equality, "I'm inclined to say that in this culture and in this century men and women have been pretty equal. I would not say that this is true historically and at all times." It is more accurate to say, he writes in the pamphlet *The Other Side of Sexism*, that women often received compensations for their subordinate state (such as greater protection) and that men's dominant role often carried a high price.

One of the key issues that animated earlier feminists, from Mary Wollstonecraft to Simone de Beauvoir, was that the human condition was seen as embodied in men, and the activities that defined what it meant to be human were defined as male. "It is [the] unique human capacity...to live one's life by purposes stretching into the future—to live not at the mercy of the world, but as builder and designer of that world—that is the distinction between animal and human behavior," wrote Betty Friedan in 1963. "[M]an has always searched for knowledge and truth." Friedan knew that this destiny was not an easy one, and she even suggested that "men may live longer...when women carry more of the burden of the battle with the world" (anticipating the men's movement's concern with the longevity gap). But she clearly felt that women were hurt more by being left out.

If masculists often seem oblivious to this historical male advantage, it is in part because participation in the human enterprise no longer ranks high on the feminist agenda. In most universities today, the above passages from *The Feminine Mystique* would be branded as conservative. "Battle with the world" reeks of militarism; to speak of the search for knowledge and truth is to accept the patriarchal model of knowledge as possession; to exalt the capacity for building and designing one's world is to glorify white male rape of the earth; to elevate humans above animals is specieist. We are now supposed to see male "separateness" rather than female dependency as the problem, and to scoff at "male" notions of unique genius rather than lament the absence of a female Shakespeare.

The irony is that when "male" civilization and its accomplishments are devalued, the notion of male privilege is much easier to question. If traditionally masculine qualities turn from virtues

to defects, some men will say that gender oppression made them that way. And if individual liberty is declared to be a (white and bourgeois) male prejudice, the distinction between the burden of oppression and the burden of risk as the price to be paid for freedom will be blurred. Thus radical feminists undermine their own critique of patriarchy.

Similar contradictions can be observed within the men's movement. Many masculists seem to be saying simultaneously that the works of men have been a boon for humanity and should be admired *and* that the roles which enabled and sometimes pushed men to do those things were oppressive and bleak. Although Warren Farrell writes that the socialization of both sexes should combine the best of the "male" and "female" heritage, the overall sense one gets from *The Myth of Male Power* is that being expected to strive is a dismal fate ("Men are not human beings, they are human doings") and that to admire a man for his achievements is as sexist as it is to admire a woman for her large breasts.

Thus, although masculism challenges the politically correct view of women as an oppressed class, it often shares some key elements of P.C.: the "politics of identity," which eclipse the notion of a universal human condition; an antipathy to such Western values as rationality, competitiveness, and individual achievement; the tendency to view human experience as shaped primarily by restrictive social forces rather than individual will and action. Even Kammer, who generally urges both women and men to embrace self-reliance and optimism, echoes academic radicals with their theories of subtly enforced self-policing in liberal societies. He writes, "Men...are in the most maximum security prison of all, the prison that convinces its inmates that they are right where they want to be...and that if they ever begin to think otherwise, they must have a 'personal' problem."

Although masculism challenges the politically correct view of women as an oppressed class, it often shares some key elements of P.C.: the "politics of identity," which eclipse the notion of a universal human condition; an antipathy to such Western values as rationality, competitiveness, and individual achievement; the tendency to view human experience as shaped primarily by restrictive social forces rather than individual will and action. At its worst, masculism can sound like the ne plus ultra of political correctness: The pantheon of the oppressed is completed by the admission of straight white guys.

Kammer says the prison metaphor is simply a dramatic way to make a valid point: Men often fail to see their problems as related to gender bias because they have been taught that they are the powerful sex. Yet the result rings uncannily similar to the radical feminist position caustically summed up by Christina Sommers in *Who Stole Feminism* (Simon & Schuster, 1994): "If...some women point out that *they* are not oppressed, they only confirm the existence of a system of oppression, for they 'show' how the system dupes women by socializing them to *believe* they are free, thereby keeping them docile and cooperative."

At its worst, masculism can sound like the *ne plus ultra* of political correctness: The pantheon of the oppressed is completed by the admission of straight white guys. (That leaves us with no oppressor, but an impersonal entity like "the sex/gender system" might do.) Men's advocates often rail against the victim mentality, but they are hardly immune to its temptations: High-school football is "male child abuse"; circumcision is socially sanctioned violence against infant boys comparable to female genital mutilation; women who walk around looking sexy yet remaining unavailable are abusing men; and anyway, men's higher mortality rates are unassailable proof of victimhood.

Barbara Dority has often joined men's groups in opposing pro-censorship feminists. "As long as we're talking simple egalitarianism, we're delighted to work together," she says. "But I refused to participate in anything in the feminist movement that went under the banner of victimhood, and I don't think the mantle of victimhood looks much better on men than on women." The tendency to adopt "the politics of victimization" also disturbs Asa Baber, who has written *Playboy*'s "Men" column since 1982 and is a strong advocate of men's issues. "The focus on the male as victim," he says, "is simply going to deepen this culture of victimhood."

An ex-Marine, Baber has written about the damaging effects of the "masculine mystique," but he bristles at Farrell's description of the soldier as "war slave." He believes that the men's movement, including "mythopoetic" groups, can play an important role in countering negative cultural messages about men. But he does not like to see the movement collude in attacks on traditional masculinity—"the trashing of things like courage and fortitude is just absurd," he says—or try to "get men into therapy." In a speech at the Chicago Men's Conference last February, Baber noted, "It turns out that the men of this culture have been told by *both* the men's and the women's movement that they are not OK."

Baber warns, too, that the strident, chip-on-the-shoulder, Us-

vs.-Them mentality that has made much modern feminism a caricature of itself has a mirror image on the men's side. As an example, he cites the angry mail he got from some regular readers after a column that advised men to be aware of the ways in which women often feel uniquely vulnerable in public places.

Other men sympathetic to the movement share these concerns. Mike Arst, a former photographer and typesetter in Seattle who became involved in men's groups a decade ago, moderates the men's issues forum on the Fidonet electronic bulletin board. Many of the complaints aired on such networks are understandable. A common theme is the perception that women want to have it both ways: to be equal in the workplace but to be protected from rough talk; to have the same opportunity to work in trades that require stamina, yet to enjoy special protection from violence. But Arst finds himself put off by "angry men" in search of causes. He recalls the activist who tried to draw him into an anti-circumcision crusade, demanding, among other things, the right for "mutilated" men to sue the hospital for trauma 20 years later.

"I agree with much of what Warren Farrell says about men and power," says Arst, 43. "But if I think of the men of my father's generation, the bottom line for them was *support*: They worked their asses off to support their families. It was something of which they were proud, and rightly so; they were *not* in a gulag."

It is easy to poke fun at male victimism, a stance likely to be dismissed as misogynist by the left and unmanly by the right. Yet it is ultimately a male response to the "culture of complaint" in which, with major help from feminists, we are now enmeshed. If victimization is the way to gain status—"authenticity," as Arst puts it, or "innocence," as Shelby Steele has written—one can hardly blame men for figuring out what works and trying to claim their share of the moral high ground.

One reason that laughable tit-for-tat arguments about which sex was more oppressed 500 years ago continue is that many feminists still use the "centuries of oppression" as a stick to beat men. It is hard to argue with Farrell's remark that the perception of men as having all the power and women as powerless (which was never quite true, and is plainly ludicrous when applied to American women in the 1990s) makes us reluctant to question any expansion of female power. Increasingly, people are coming to see that here and now, biases against men are as harmful as biases against women (even Naomi Wolf teeters on the brink of this idea in her latest opus, *Fire With Fire*).

Feminism not only displaced men from their traditional ground as the human norm but often depicted them as less than human. While 19th-century notions of male superiority in intellect and leadership are now taboo, Victorian views of female superiority in compassion, morals, and parental love are very much alive. Male putdowns of women are relegated to the lowbrow culture of Andrew Dice Clay; female putdowns of men are found on greeting cards and in the halls of Congress. Many men drawn to the men's movement are reacting at least as much to male bashing as to a frustration with male roles.

After all, feminism has not only displaced men from their traditional ground as the human norm but has often depicted them as *less* than human. While 19th-century notions of male superiority in intellect, creativity, and leadership are now taboo, Victorian views of female superiority in compassion, morals, and parental love are very much alive. Male putdowns of women are relegated to the lowbrow culture of Andrew Dice Clay; female putdowns of men ("What is the difference between bonds and men? Bonds mature.") are found on greeting cards and in the halls of Congress. Recently at the publishing house HarperCollins, a woman editor irked by a male colleague's behavior designed a "stamp out HarperCollins men" button (the male symbol and the letters "HC" in a red circle with a slash) that was spotted on quite a few female staffers.

Mike Arst speculates that most of the men drawn to the men's movement are reacting at least as much to male bashing as to a frustration with male roles. Some, like Warren Farrell and Ferrell Christensen, started out as champions of women's liberation but were repelled by the rise of anti-male feminism. Christensen says that he sought out men's groups such as the National Coalition of Free Men and Men's Rights Inc. because he was "more and more distressed at the hate movement that feminism was becoming."

The roles have changed as well as the images. One of Farrell's strongest points is that this century's social developments have reduced women's burdens far more than men's burdens. Childbirth became much safer and warfare became much deadlier. The notion that a husband owed protection to his wife outlasted the notion that a wife owed obedience to her husband. And since the advent of feminism, women have gained much greater role flexibility and much more choice between traditional and non-traditional lifestyles.

Accordingly, some activists see the "men's agenda" as a matter of truly equalizing the options available to both sexes. While

young women today rarely see full-time homemaking as a viable long-term prospect (even if that is the way of life they would prefer), working part-time or taking a few years off to raise children is something many expect to do. Farrell's assertion that 90 percent of the men he has spoken to would like to do the same sounds a bit dubious. But even if it's only 33 percent, as a 1990 *Time* survey of college men showed, these men are likely to find that they have fewer opportunities than their female peers to exercise such a choice: For all the paeans to the new fatherhood, a great many people still look down on Mr. Moms.

"When [women] call and say, 'I have a family situation,' managers or employers think, 'Oh God, those women with their children,' but they think it comes with the territory," says Karen DeCrow, a feminist attorney in Syracuse, New York, and a former president of the National Organization for Women who works with men's activists on fatherhood and custody issues. "When men do it, they're considered somewhat weird, or not really interested in their jobs." Many masculists also complain that while women want equality in the "male" sphere of careers and achievement, they often want, at the same time, to preserve the superiority of motherhood.

This complaint has some validity. On a radio show I did with Jack Kammer, the host, Ann Devlin, chided us for our lack of outrage at the fact that women still earn less than men. When I suggested that the way to gain parity in the workplace was to encourage male participation in child rearing, Devlin huffily replied that I obviously didn't understand the "mystical bond" between mother and child that no other relationship could replicate.

The outcry over battered women is leading to a situation in which men in some jurisdictions are virtually helpless against the flimsiest charges of abuse. Massachusetts Bar Association President Elaine Epstein recently wrote in the bar association newsletter: "The recent media frenzy surrounding domestic violence has paralyzed us all....The truth is that it has become impossible to effectively represent a man against whom any allegation of domestic violence has been made....In many [divorce] cases, allegations of abuse are now used for tactical advantage."

In its attempt to change attitudes, the men's movement deals with some explosive issues, including false accusations of rape and alleged bias against men in the treatment of family violence. When men's activists insist that husband beating is as big a problem as wife beating, it seems a sure way to make most feminists see red. Even Wendy Kaminer, who is highly critical of the "woman as victim" party line, comments that "it's like saying the moon is made out of green cheese." But while the claim is undoubtedly exaggerated, a body of solid research—from the 1985 National Family Violence Survey sponsored by the National Institute for Mental Health to a number of studies conducted in communities and in marital therapy clinics—supports the view that female violence is a major part of the problem.

Most of the evidence indicates that spousal assault is usually mutual, initiated in equal numbers by men and women. (When only one partner is physically abusive, it is as often the woman as the man.) True, in those domestic violence cases in which one partner is completely controlled and terrorized by the other, most of the victims are female; but such cases make up a tiny percentage of abusive couples. And while women obviously are at far higher risk of bodily damage in domestic fights, up to 15 percent of the serious injuries are to men. Researchers such as Anson Shupe, chair of sociology and anthropology at Indiana University/Purdue University in Fort Wayne, Indiana, and co-author of *The Violent Couple* (Praeger, 1994), confirm that male victims of even severe violence by female partners encounter widespread bias if they try to get the authorities involved. This side of the story, men's advocates say, is ignored by the media and by government, which see domestic violence as synonymous with woman abuse.

Meanwhile, the outcry over battered women is increasingly leading to a situation in which men in some jurisdictions are virtually helpless against the flimsiest charges of abuse. This claim is made not just by men's advocates but by Massachusetts Bar Association President Elaine Epstein, who recently wrote in the bar association newsletter: "The recent media frenzy surrounding domestic violence has paralyzed us all....The truth is that it has become impossible to effectively represent a man against whom any allegation of domestic violence has been made....In many [divorce] cases, allegations of abuse are now used for tactical advantage."

The men's advocates clearly have issues, but do they have a movement? Many men and women who are sympathetic to men's issues don't think so. It is difficult for most men, especially if they are not in the midst of a custody battle, to see any of their problems as gender issues. The movement's image can also be a handicap. Armin Brott, a Berkeley marketing consultant and writer who got involved in men's issues after becoming a father four years ago, says, "If you get labeled as being part of the men's

movement, you're either out there dancing with wolves, or you're a woman hater. There's really no place to go if you're a progressive-thinking man."

One way to escape what can become a vicious cycle of masculism and feminism trying to outshout and out-whine each other is for men's activists to focus on specific issues, particularly disparities in the legal or social treatment of women and men. Divorce is a good example. The traditional paternal role may not have been such a bad deal in the past, with unique satisfactions that were not necessarily inferior to those of maternal nurturing. But high divorce rates mean that many men bear the burden of providing without the rewards of any kind of real fatherhood—old or new.

Whether or not pro-maternal bias exists in the courts is the subject of intense debate, with men's advocates (and many divorce lawyers of both sexes) on one side and many feminists on the other (claiming that, on the contrary, men with more money to pay for legal services can ride roughshod over their ex-wives). But it seems that many judges still take the view that the father's main post-divorce function is to provide financial support—what Al Lebow, founder of Fathers for Equal Rights of America, sums up as the "men as wallets" attitude. To many, the fact that non-custodial fathers' child-support obligations are enforced far more vigorously than are their visitation rights is a bitter symbol of the low regard in which fatherhood is held.

"The availability of the father is a crucial issue, and it's also one of the key issues around which a political men's movement can organize," says Laurie Ingraham, a family therapist in Milwaukee who was drawn to men's activism as a result of her relationship work, in which she "noticed that men were always being painted as the bad guys." And indeed, disenfranchised fathers are the political vanguard of the men's movement. Lebow, a Michigan salesman who lost custody of his two daughters and spent six years in courts battling for visitation enforcement, started his organization in 1979. Today, he says, there are about 275 fathers' rights groups in 47 states.

These groups have been pushing for joint custody laws, with varying degrees of success, and for better treatment of non-custodial parents. They complain that divorced fathers are unfairly stigmatized as "deadbeat dads" and viewed as targets for punitive action, even though studies find that support non-compliance is related to many factors, from insolvency to denial of contact with children.

One way to escape what can become a vicious cycle of masculism and feminism trying to outshout and out-whine each other is for men's activists to focus on specific issues, particularly disparities in the legal or social treatment of women and men. Divorce is a good example. The traditional paternal role may not have been such a bad deal in the past, with unique satisfactions that were not necessarily inferior to those of maternal nurturing. But high divorce rates mean that many men bear the burden of providing without the rewards of any kind of real fatherhood—old or new.

As the example of Ingraham shows, the issue of how parents are treated after divorce has attracted interest from women as well as men. The Children's Rights Council, founded by David Levy in 1985, advocates shared custody and has often addressed fathers' concerns. But it is also affiliated with Mothers Without Custody and Grandparents United for Children's Rights. About 40 percent of its members and state chapter coordinators are women. Palo Alto, California, attorney Anne Mitchell is the founder and executive director of the Fathers' Rights and Equality Exchange (FREE) electronic net; in Michigan, lawyer Kay Schwarzberg works with Fathers for Equal Rights of America.

Basic fairness is not the only reason for women to work on behalf of men's issues. Perhaps the ultimate lesson we have still to learn is that most gender issues are women's *and* men's issues. As Brott says, "You can't achieve the goals of sexual equality without getting men involved." The most obvious example of this is the issue of parenthood: Greater male involvement in child rearing is essential if women's opportunities in the workplace are to be expanded.

Men and women of good will working together is a theme *Playboy*'s Asa Baber frequently emphasizes. "What is needed is an equal rights movement, not a men's movement and a women's movement," he told the Chicago Men's Conference, which had a record number of women this year (about 30 out of 200 attendees). "Not men's rights, not women's rights—equal rights. That should be our goal."

Baber is encouraged by signs that "victim feminism" is waning, and he is confident that "victim masculism" will not prevail either: "As the complaints build, we're going to get tired of it, both sides, and then both men and women are going to ask, OK, now what are we gonna do? And so the culture of complaint will eventually burn itself out." ®

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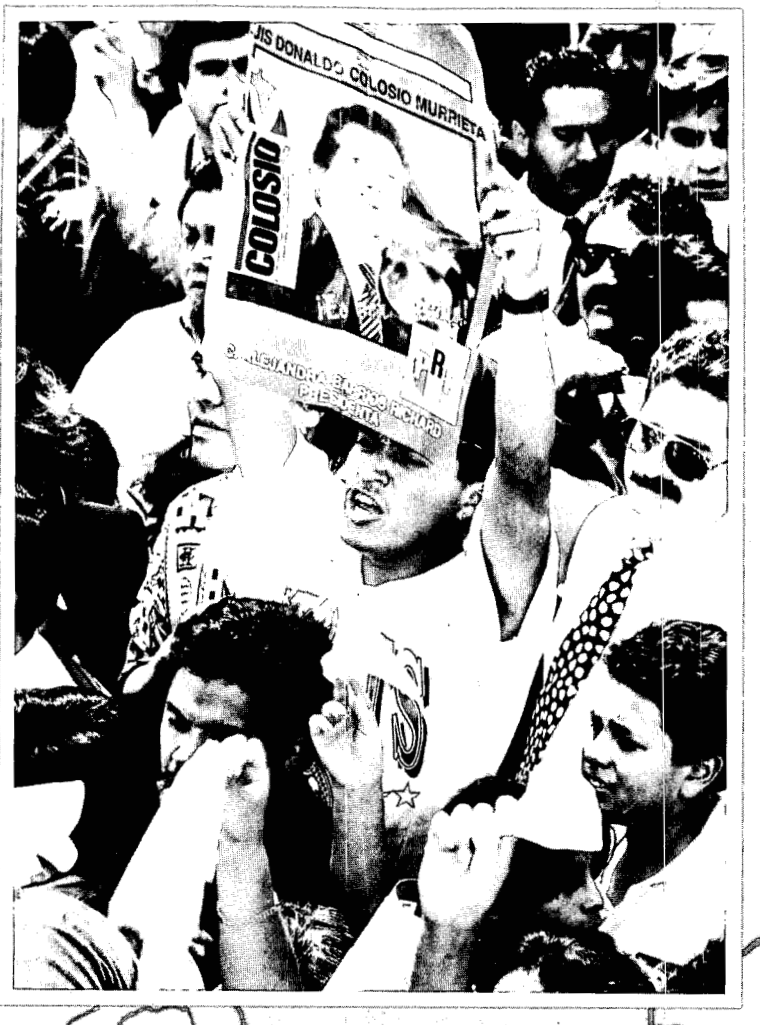
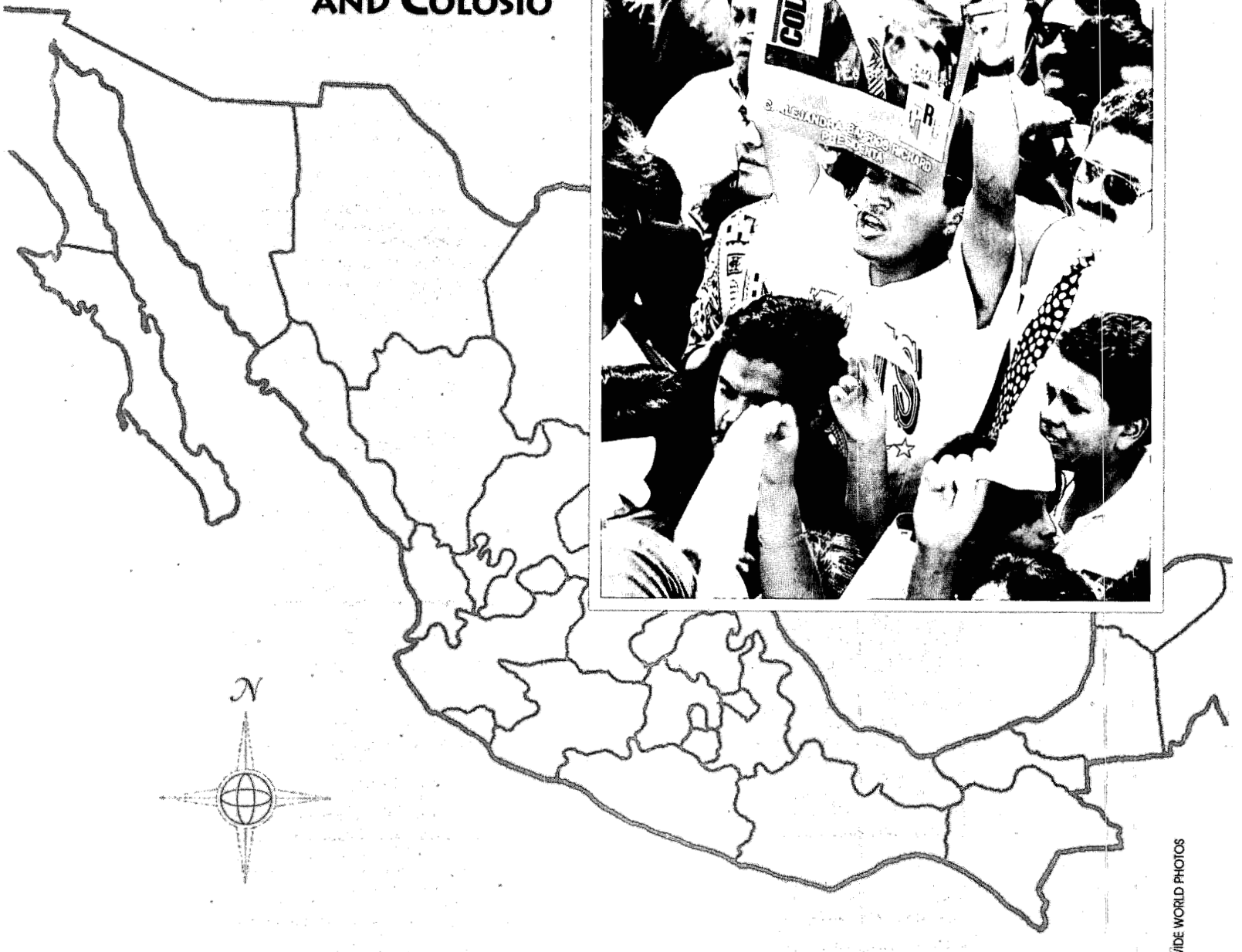
MEXICO MAÑANA

AFTER CHIAPAS AND COLOSIO





AP/WIDE WORLD PHOTOS

BAD NEWS, GOOD NEWS

COLOSIO'S UNTIMELY DEATH COULD MEAN THE REBIRTH OF REFORM.

BY JULIO MÁRQUEZ

The assassination of Luis Colosio was utterly reprehensible, but the conspirators may have done Mexico a favor. Following the Chiapas uprising in January, the political situation had become riddled with uncertainty, and the PRI, Mexico's ruling party, was drifting away from sound economic policy. With the pull of a trigger, Colosio's fledgling campaign ended, the uprising lost momentum, and the ambivalent electoral hopes of Manuel Camacho were dashed. Now the next president will almost certainly be Ernesto Zedillo, a candidate more likely than Colosio to continue the successful economic policies of President Carlos Salinas de Gortari.

Salinas's achievements over the past six years are nothing short of remarkable. Having assumed power amid triple-digit inflation (160 percent), negative growth, and a sizable public deficit (16 percent of GDP), Salinas and his team quickly reversed course. They privatized most state enterprises, halved public spending, produced a budget surplus, and stabilized the currency, whose value had plummeted more than 90 percent over the six previous years.

Mexico now enjoys diminishing single-digit inflation (7 percent) and holds nearly $30 billion in reserves—a huge achievement for a country that couldn't meet its interest payments in 1982 and lost close to $80 billion in capital flight in the 1980s. The Mexican stock exchange has had record performances, averaging a dollar return of nearly 50 percent a year since Salinas took office.

But the Salinas modernization is not yet complete. Real GDP growth has averaged 2.4 percent, only slightly above population growth, and, while unemployment is down considerably, real personal income growth has remained stagnant. Inflation and interest rates are still higher in Mexico than in most developed nations and, except for a few large firms, Mexican companies must pay twice as much as their foreign competitors to borrow money.

Federal taxes consume about 25 percent of GDP, compared to less than 23 percent in the United States. And the Center for Economic Study of the Private Sector (CEESP), a highly regarded research institute, puts the effective corporate tax rate near 50 percent: The official rate is 34 percent, but hidden costs such as high taxes on telephone service and energy and a 10-percent national sales tax place Mexican corporations at a significant disadvantage vis-à-vis their international competitors.

And despite the Salinas government's deregulation effort, it is still hard to do business in Mexico. The CEESP estimates that the bureaucratic costs to establish a new mid-size business still average three to four times higher in Mexico than in its principal trading partners. Legally establishing a small business can be almost impossible for people with little capital or experience.

Much reform remains to be accomplished. But the struggle to gain passage of the North American Free Trade Agreement delayed the tax relief and further privatization and deregulation that Salinas had planned to do toward the end of his six-year term. The NAFTA campaign also boosted government spending. To counter the argument that Mexico's living standards are too low to make it a worthy trading partner, Salinas substantially increased "social spending," government programs aimed at reducing poverty. While social spending already represented close to one-third of the government's budget and had been increasing about 18 percent a year since Salinas took office, the NAFTA-related hikes marked an important policy reversal for a president who had been championing tightly controlled budgets.

From then on, Mexico's political debate focused not on maintaining the fiscal surplus or further liberalizing private enterprise but on marshaling government resources to reduce Mexico's vast social inequities. In 1994, Mexico is expected to once again run a budget deficit, albeit a small one, as "economic stimulus" pro-

grams take effect and tax revenue falls short of expectations.

Once the NAFTA vote was cast, Salinas turned his attention to picking his party's next presidential candidate. Before the NAFTA debate, Treasury Secretary Pedro Aspe appeared to be the front-runner, despite his unpopularity as an overly tough tax collector. Highly regarded abroad, Aspe was Salinas's economic right-hand man. Had NAFTA not been ratified, the nomination probably would have gone to Aspe, who would have provided economic continuity and thus a sense of security to international investors.

But NAFTA's passage, the artificially high economic hopes it generated, and the government's willingness to undertake new spending gave rise to two contenders with wider popular appeal: Luis Colosio, the secretary of social development, and Manuel Camacho, the mayor of Mexico City and one of the few leading political figures not closely identified with Salinas. Confident that economic development was well under way—and possibly hoping to achieve a political compromise between economic reformers (who presumably favored Aspe) and PRI traditionalists (aligned behind Camacho)—Salinas opted for Colosio.

THE SALINAS MODERNIZATION IS NOT YET COMPLETE. REAL GDP GROWTH HAS AVERAGED 2.4 PERCENT, ONLY SLIGHTLY ABOVE POPULATION GROWTH, AND, WHILE UNEMPLOYMENT IS DOWN CONSIDERABLY, REAL PERSONAL INCOME GROWTH HAS REMAINED STAGNANT. INFLATION AND INTEREST RATES ARE STILL HIGHER IN MEXICO THAN IN MOST DEVELOPED NATIONS AND, EXCEPT FOR A FEW LARGE FIRMS, MEXICAN COMPANIES MUST PAY TWICE AS MUCH AS THEIR FOREIGN COMPETITORS TO BORROW MONEY.

Colosio's background placed him to the left of Salinas. He came from a rural family and had risen through the party ranks. Though he held a graduate degree from an American university, it was not an economics Ph.D., like Salinas's Harvard degree, but a master's in urban planning from the University of Pennsylvania, financed with a government scholarship. More recently, and perhaps more tellingly, Colosio owed much of his political popularity to administering the Solidarity program, through which the central government gives money to hundreds of communities for public works; its 1993 budget was over $2.3 billion. He had also held elected office, first as a congressman and later as a senator, running on traditional PRI platforms.

From the start, candidate Colosio stressed populist themes. While recognizing the benefits of economic liberalization and fiscal responsibility, he adopted economic policies traditionally favored by the left. He advocated, for example, new state-administered infrastructure and jobs programs to be paid for with increases in property taxes, which he deemed too low. Had nothing extraordinary happened, this populist strategy might have produced a sweeping victory at the polls, since the principal opposition candidate, Cuauhtemoc Cardenas from the left-leaning Democratic Revolutionary Party, echoed Colosio's positions without an original platform.

But on January 1, the day NAFTA went into effect, the Chiapas rebellion grabbed the news. Several hundred armed insurgents occupied towns in Mexico's southernmost and poorest state, and the Mexican army was unable to assume control. Quickly accepting the rebels' calls for negotiation, increased spending, and democratization, Salinas appointed Colosio's rival Camacho as special mediator.

The appointment raised Camacho's political standing, and he effectively supplanted Colosio as the standard-bearer for the poor and downtrodden. Camacho's mediator role, together with his ties to the more statist elements within the PRI, made him a more credible and consistent advocate for increased social spending than Colosio. Sensing his newfound popularity and openly dissatisfied with Colosio's nomination (defying PRI tradition, he refused to endorse Colosio's candidacy), Camacho hinted at an independent presidential run.

This situation shifted the post-NAFTA political discourse even more to the left, as Colosio attempted to regain ground by repeatedly promising increased spending. By the time Camacho announced he would not seek the presidency, Colosio was running a completely populist campaign based on the loosely defined concept of "social reform." His platform favored a "redistributive" state but was short on economic specifics. Candidate Colosio probably would have won the election, but President Colosio could have delayed, redirected, or impeded the continuation of Salinas's program and might even have embarked on a government spending spree that the country could not afford.

Now, however, the PRI is represented by Ernesto Zedillo, who may have been Salinas's original favorite for the nomination. The parallels between the two men are striking. Sometimes called "Salinas Lite," Zedillo, 42, is just one year older than Salinas was before getting the nomination (Salinas was the youngest president-elect in Mexico's history). Zedillo

also holds a Ph.D. in economics (from Yale). And like Salinas, he has never held elected office, rising instead via appointed economic posts, first in foreign debt management, then at the central bank, and later—again following Salinas's footsteps—as minister of planning and budget.

Like Salinas, Zedillo has a reputation as an exceptionally bright free-marketer. He is intensely disliked by leftists, old-style politicians, and entrenched bureaucrats, many of whose power and positions were reduced or eliminated in the Salinas-Zedillo budgets.

After the budget wars, Salinas appointed Zedillo secretary of education, probably in an attempt to give his protégé political stature. Had Zedillo performed without incident, Salinas might well have chosen him over Colosio. But Zedillo soon became mired in controversy.

PRI traditionalists objected to changes he proposed in the national elementary-school history textbooks. In the revised books, relations with the United States were depicted more favorably, as was the presidency of Porfirio Diaz, the dictator who preceded the Mexican Revolution; certain events supported by the left, such as the student revolt of 1968, were deemphasized or eliminated. Zedillo also incurred the wrath of the national teachers' union—a politically powerful organization traditionally aligned with the bureaucracy—by effectively decentralizing control of the school system.

ZEDILLO'S PRINCIPAL CAMPAIGN THEME HAS BEEN "CONTINUITY," AND HE SUPPORTS TAX AND REGULATORY RELIEF FOR SMALL AND MID-SIZE FIRMS. HE FACES A TOUGH CHALLENGE. POLITICAL UNCERTAINTY, INCOMPLETE LIBERALIZATION, AND THE THREAT OF RENEWED DEFICIT SPENDING HAVE MADE MEXICAN MARKETS EDGY. INTEREST RATES HAVE RISEN, STOCKS ARE DOWN, AND A CURRENCY DEVALUATION IS A STRONG POSSIBILITY, GIVEN CONTINUED INFLATION ABOVE THE U.S. RATE.

Not surprisingly, then, Zedillo couldn't win the presidential nomination. He was, however, named Colosio's campaign manager, assuring him of a prominent post in the Colosio administration. And although he was criticized for running a lackluster effort on behalf of Colosio, he is now almost certain to win the August election.

His opposition has all but collapsed. Camacho lost popularity following the assassination, and he blew his chance for the PRI nomination by refusing to support Colosio. He can no longer capitalize effectively on his Chiapas negotiations, since the situation has proven difficult to resolve as it became clear that the rebels were not primarily looking for handouts but free elections and a voice in local government.

On the left, Cardenas will once again be the standard-bearer, and he may lead his party to important victories in local, state, and congressional elections. But he hasn't articulated a consistent platform. And he was unable to capitalize on his credible run for the presidency in 1988, virtually disappearing from public view during the Salinas term. He emerged only twice: once to oppose NAFTA and later to tepidly endorse it.

The opposition from the right, which in 1988 featured the charismatic industrialist Manuel Clouthier, is now divided following his accidental death—under mysterious circumstances—three years ago. In any case, the business community appears to be solidly behind Zedillo. His principal campaign theme has been "Continuity," and he supports tax and regulatory relief for small and mid-size firms.

Zedillo faces a tough challenge. Political uncertainty, incomplete liberalization, and the threat of renewed deficit spending have made Mexican markets edgy. Interest rates have risen, stocks are down, and a currency devaluation is a strong possibility, given continued inflation above the U.S. rate.

The situation has been helped, however, by Salinas's making the Mexican central bank independent, which has given the markets more confidence in Mexico's macroeconomic stability. The bank, which became autonomous on April 1, continues to be headed by the internationally respected Miguel Mancera, a staunch fiscal conservative and Yale-educated economist who has led the institution for the past 11 years. Zedillo once worked under Mancera and has since been considered his protégé.

The events toward the end of Salinas's term were unprecedented—a trade treaty blown out of proportion, an armed rebellion, the first political assassination since 1928. Faced with the unfortunate task of selecting a new candidate, then, Salinas seems to have stuck to his own ideology and encouraged history to repeat itself. Six years ago, a bright, young, Ivy-trained economist with no political experience assumed the Mexican presidency under challenging circumstances and visibly improved the country. The same is likely to happen again. R

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REVOLUTIONARY APPEALS

CHIAPAS TELLS THE OLD STORY OF PEASANT INDIANS USED BY URBAN INTELLECTUALS.

BY DARÍO FERNÁNDEZ-MORERA

The anonymous masked leaders of the rebellious Zapatistas, as well as a number of sympathetic Mexican analysts, have attempted to portray the Chiapas revolt as a spontaneous, grassroots reaction to the constitutional and market-based economic reforms instituted by the Salinas administration. In the wake of the revolt, these people have called for a repudiation of the very policies that have energized the Mexican economy and set the stage for a more fully functioning democracy.

While the Mexican intelligentsia has largely toed the left-of-center line, there are significant exceptions, such as commentators Arturo Warman, Enrique Krauze, and Héctor Aguilar Camín, who are attempting to articulate a more balanced understanding of the crisis. The leftist interpretation of events, they point out, is lacking both nuance and an understanding of regional history. Perhaps the highest-profile dissenter among Mexican intellectuals is Octavio Paz, the 1990 winner of the Nobel Prize for Literature. He finds it significant that the Chiapas revolt and the assassination of the PRI's Luis Donaldo Colosio, though probably unrelated to one another, coincide with a Mexican political climate that has reached levels of discord unseen for over half a century.

Paz lays much of the blame for that climate at the feet of Mexican intellectuals, many of whom keep writing outmoded "apologies for the use of violence." They have, says Paz, forgotten the great political lesson of the 20th century: The only way to achieve a more just, more liberal society is to further democracy, not authoritarian socialism. Paz believes that many of the demands of the Indian communities—such as land reform, establishing education and health programs, and ending the practice of *caciquismo*, in which local political bosses grant favors in exchange for personal allegiance—should be satisfied within existing legal parameters. He therefore condemns the armed uprising as an interruption of Mexico's ongoing political and economic liberalization.

Paz has identified a division within the PRI between hard-liners and conciliators. He warns against violent approaches, which would only produce more casualties, further divide a troubled nation, and create sympathy for the rebels. And indeed, after the initial skirmishes, the government has chosen the conciliatory road by declaring a unilateral cease-fire and granting amnesty (which the rebels rejected in a sarcastic letter published by the press). The government has also created an ad-hoc national commission composed of opposition party members and unaffiliated citizens, as well as government representatives, to improve the conditions of the communities.

Central to Paz's analysis is a recognition that the identity and interests of the *comandantes*, the leaders of the Zapatistas, do not always coincide with those of the rank-and-file Indians. The comandantes' speeches betray them as intellectuals, not unschooled peasants, something even admiring authors such as José Agustín concede. Paz's point is further confirmed, I think, by the comandantes' revealingly over-anxious populist explanation for sporting masks: They want to "share the masses' anonymity." A more likely explanation is that they are not themselves Indian, an inconvenient fact that would undermine their authority as spokesmen for oppressed natives.

Pioneered in Latin America by the Cuban Marxists, the term *comandante* was later adopted by the Nicaraguan Sandinistas. But Mexican observers have drawn connections between the Zapatistas and Latin America's highest-profile revolutionary group, Peru's Shining Path. Both groups repeat familiar Marxist programs: anti-individualism (evident in the Zapatistas' proud claims to having a "collective" leadership), expropriation of the landowners' property, economic equalization, and an "end to capitalism and the bourgeoisie." To the standard question—how can they persist in trying to implement socialist solutions in view of the repeated instances of mass misery and colossal crimes brought about by socialism since 1917?—both give the same standard answer: "*Our* socialism will be different."

Both groups also idealize a pre-Hispanic past. This idealization, of course, has no factual basis: The Incas destroyed earlier Peruvian cultures, replacing their religions with the convenient belief that the Incas descended from the gods. Similarly, the Mexica (the actual name of the Aztecs) were universally hated by other Indian nations, whose understandable desire to stop serving as taxpayers, slaves, and sacrificial victims was a crucial factor in Cortés's victory.

There are significant differences, however, between the Zapatistas and Shining Path. One is that the Zapatistas' claims to want democracy for Mexico have gained them acceptability and access to the national and international media. This tactic is more reminiscent of the early Cuban revolution and the Sandinistas than the more brutal—but also more honest—Shining Path. Along with the pointed use of comandantes, this savvier approach makes me suspect that the Zapatistas' ideology and perhaps even their armaments (whose mysterious financing suspicious observers have wondered about) might in fact have more to do with Cuba and the still Sandinista-controlled Nicaraguan army than with Shining Path.

The one clear similarity between the Zapatistas and Shining

Path is that both groups have an urban, intellectual leadership and an Indian following. The gulf between the Zapatista comandantes and the Indian communities they purportedly represent shows up most concretely in the divergent demands the two groups make and in the limited native support given to the rebels. The comandantes' proclamations include urban and national goals, among them the creation of a socialist country. By contrast, the Indians are traditionalists interested in issues directly affecting their local area.

And despite their populist rhetoric, it is clear that there was no broad-based support for the Zapatistas in Chiapas—the revolt managed to take over only four municipalities. The majority of local peasant organizations have not joined the insurrection, and some have even captured Zapatistas. In the towns of Ocosingo and Altamirano, for instance, armed residents forced the rebels to withdraw. In Oxchuc, the Tzeltal Indians will not allow the return of the comandantes. A bitter Zapatista told a Mexican paper of his unhappy experience in Oxchuc: "When I saw them [the residents of Oxchuc] I thought that they were our comrades, but I changed my mind when 15 of them beat me up."

THERE WAS NO BROAD-BASED SUPPORT FOR THE ZAPATISTAS IN CHIAPAS. IN THE TOWNS OF OCOSINGO AND ALTAMIRANO, FOR INSTANCE, ARMED RESIDENTS FORCED THE REBELS TO WITHDRAW. IN OXCHUC, THE TZELTAL INDIANS WILL NOT ALLOW THE RETURN OF THE COMANDANTES. A BITTER ZAPATISTA TOLD A MEXICAN PAPER OF HIS UNHAPPY EXPERIENCE IN OXCHUC: "WHEN I SAW THEM [THE RESIDENTS OF OXCHUC] I THOUGHT THAT THEY WERE OUR COMRADES, BUT I CHANGED MY MIND WHEN 15 OF THEM BEAT ME UP."

But although the Zapatistas have only limited support among the Indians, they enjoy ample support among a Mexican intelligentsia traditionally jealous of the superior standard of living of the commercial middle class. In a country often accused of dictatorship, newspapers, magazines, and even government-owned TV stations have given wide and often sympathetic publicity to the comandantes' manifestoes. These supporters have defended killings by the Zapatistas while condemning killings by the army and justified the kidnappings and forced conscriptions of young Indians by the rebels while denouncing the government's incarceration of Zapatistas.

The press has also been quick to connect the uprising with Salinas's economic reforms: His "neoliberalism" has failed; his constitutional changes are wrong because now private investors can buy peasant land; NAFTA will make things even worse. The rich will continue to get richer and the poor poorer.

This last assessment has a familiar ring and indicates the ideological slant of much of the commentary on the revolt. In the 19th century, Karl Marx argued that widening income gaps in 19th-century European and American capitalist economies would create the conditions for proletarian revolution. Since his colossally wrong prediction, of course, people who have become rich in those countries are indeed better off. But so are those who have remained poor, because their standard of living is now not only higher than that of the 19th-century poor but frequently higher than that of the 19th-century not-so-poor. To be sure, Mexico is much farther from capitalism than the United States or Western Europe. Its bureaucratized economy stands somewhere between them and Mussolini's Italy. But its distance from truly free markets is precisely its problem.

The media, however, have no monopoly on leftist sympathies for the Zapatistas. The Catholic bishop of Chiapas believes that one positive outcome of the revolt will be a "transitional Mexican government which will establish the grounds for 'true' democracy in Mexico." This desideratum is in fact one of the Zapatista demands which Paz finds not even worth discussing, since it amounts to rejecting the ongoing electoral process and surrendering to the comandantes' "argument by force." The fact is Mexico has been building the foundations of a more open electoral process for years now, long before the Chiapas revolt.

Equally uninformed is the bishop's view that among the beneficial cultural consequences of the revolt will be the recognition of the Indians' "ancestral values...after 500 years of oppression." Statements like this echo the hard-left, redistributionist "liberation theology" preached in Chiapas since the late 1960s. They also echo the pro-Zapatista statements of priest, poet, liberation theologian, and Sandinista functionary Ernesto Cardenal. The work of this "religious left" should not be ignored in any thorough explanation of the revolt.

But what makes the bishop's embrace of the revolutionary agenda so out of touch is that it overlooks the fact that, precisely in the cultural realm, the Mexican government has far from neglected the Indian. Throughout most of the 20th century, the government has vigorously promoted the Indian past as essential to Mexico's national pride and cultural heritage—would that such attention to the native culture were accompanied by *an equal* regard for the well-being of the remaining natives! The bishop

overlooks, too, that a true recovery of "ancestral values" in Mexico would be incompatible with the existence of the bishop himself. In a pre-Hispanic Mexico, there would simply be no room for Catholic priests, except perhaps as sacrificial victims.

Like the good bishop, the governor of Chiapas supports "agrarian reform" and is unencumbered by a knowledge of history. If the "conditions" for the reform are not sufficiently favorable now, he has told the press, the government must then create them by "brushing aside" the "minor differences" standing in the way. Among the minor differences he would brush aside could conceivably be the reluctance of cattle ranchers to have their land taken away.

The awkward truth for the governor is that past Mexican agrarian reforms seriously hurt productivity. In the 1920s and '30s, expropriation ruined many farmers and cattlemen. Land redistribution disrupted production, especially among cattle ranchers, who suddenly found themselves without land on which to raise their cattle. The inefficiency of the agricultural cooperatives was the reason the PRI government of Lázaro Cárdenas, which had redistributed almost half of all arable land and nationalized major enterprises, abruptly changed its policies in 1938. The party protected landowners from further expropriation, and a year later chose as presidential candidate a moderate Catholic rather than an avowed socialist.

MUCH GOVERNMENT AID WENT TO AREAS NOW OCCUPIED BY THE ZAPATISTAS. OBVIOUSLY THE GOVERNMENT'S EFFORTS HAVE NOT BEEN ENOUGH. PERHAPS THE REVOLT COULD ALSO BE EXPLAINED AS YET ANOTHER CASE OF AN UPHEAVAL FOLLOWING A PERIOD OF COMPARATIVE ECONOMIC AND POLITICAL LIBERALIZATION COMPLICATED BY THE INTERESTS OF A RESENTFUL INTELLECTUAL CLASS. THIS IS HOW HISTORIANS SUCH AS SIMON SCHAMA AND, MUCH EARLIER, FRANÇOIS GUIZOT EXPLAINED THE FRENCH REVOLUTION.

This is not to say there are no problems in Chiapas. There is no question that local unhappiness with the political status quo helped recruit soldiers for the Zapatistas, but it seems that inequalities alone do not explain the revolt. Another explanation is that the comandantes by their own admission, prepared for the uprising for more than 10 years. But there are other factors beyond the control of either the Zapatistas or the government.

Immigration from neighboring regions (including Guatemala) added to the notorious Mexican demographic explosion over the past decade and greatly strained local resources. In fact, the population growth in Chiapas between 1980 and 1990 was double the national rate. In addition, international coffee prices, the main pillar of the local economy, collapsed in 1991. They have yet to recover, adversely affecting more than 60,000 peasant growers. International meat prices have also declined, and cattle raising is the area's second major source of income. To combat deforestation, the government implemented a moratorium on timber harvesting. While the ban might save trees, it also eviscerates Chiapas's third major source of wealth. The state continues to rank below the national average by every possible living standard.

Racial discord also contributes to the region's problems. In neighboring Yucatan, an uprising from 1847 to 1850 tried to exterminate the whites and return to the pre-Hispanic past; in Chiapas the Tzeltal Indians rebelled in 1712 and 1869. Chiapas lacks the degree of miscegenation that grants other Mexican states a measure of racial harmony. One sees whites on the one hand and Indians on the other, with only a few mestizos in between. Cattlemen are white and sometimes behave like overlords. And since cattle require a great deal of land, cattlemen own large properties. Most peasants are Indian. They farm small plots that, until Salinas's constitutional reforms passed, they could not even sell; and such farming is much less profitable than cattle.

Nor is official neglect a sufficient explanation for the revolt. Since 1985 the government has granted land to 40,000 peasant families and created 400 new agrarian commons. In the past five years, the National Solidarity Program has pumped a great deal of money into Chiapas. A good example is a government loan of 200,000 new pesos granted in 1993 to the Peasant Organization Emiliano Zapata. By the end of the year, most peasants were sufficiently well off to begin repaying the loan. Ninety Indians, however, argued against repayment and then killed the head of the organization, who favored complying with the agreement.

Interestingly, much of the government aid went to areas now occupied by the Zapatistas. Obviously the government's efforts have not been enough. But perhaps the revolt could also be explained as yet another case of an upheaval following a period of comparative economic and political liberalization complicated by the peculiar interests of a resentful intellectual class. This is how historians such as Simon Schama and, much earlier, François Guizot explained the French Revolution.

Explaining the past is easier than predicting the future. Mexico can become a Peru, but that is not inevitable. A clean elec-

tion should be a sufficient prelude to ending the crisis now facing the country. Then the problems of the Indian communities should be addressed, though not at the expense of property owners who are productive members of the Mexican economy.

Clean elections and granting the more reasonable Indian demands would take away much of the high ground from the armed-to-the-teeth comandantes, who want socialism through turmoil because they fear democratic contests that their outmoded ideology might not win. The revolt and the murder would then be only another chapter in a long, painful process of modernization, whereby Mexico could eventually achieve the prosperity of such formerly backward economies as Singapore, Taiwan, Hong Kong, South Korea, and Chile. ®

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THE PERILS OF PERESTROIKA

MEXICO STILL NEEDS ECONOMIC AND LEGAL REFORM.

BY AGUSTÍN NAVARRO G.

In recent months, several violent episodes have shaken observers who had come to see Mexico as a stable, modernizing country led by a benign, reformist regime. The uprising in Chiapas, the assassination of the ruling party's presidential candidate, the kidnapping of two prominent businessmen, and the killing of Tijuana's police chief may ultimately turn out to be completely unconnected. Yet together these shocking incidents have helped create an environment of uncertainty and concern for the future. President Carlos Salinas can help to dispel these fears during his remaining time in office by guaranteeing free elections and forging ahead with economic reforms.

Salinas's "neoliberal" reforms began as a well-disguised program of shock therapy, including the renegotiation of public and private external debt; government spending cuts; limits on imports; new taxes, including a 2-percent tax on assets; and vigorous tax-collection efforts. The result was an economic contraction that cut inflation but also reduced growth and left many Mexicans resentful of the government and suspicious of economic reform.

But Salinas added a novel element to these austerity measures: an ambitious program of privatization that included all the banks nationalized by the Lopez Portillo administration, the public telephone company, steel mills, and port facilities. The so-called strategic enterprises, such as the oil, electrical, and railroad monopolies, remain untouched. But so far the Mexican government has privatized more than 600 state-owned enterprises.

Unfortunately, the sale prices have often been arbitrary. Some petrochemical plants were sold at very low prices, while other enterprises, including the banks, were sold at very high prices that were far from their market value. Bank customers in Mexico commonly believe that the main reason for the current high fees on banking services—two to three times as much as those in the United States—is the need to recoup exorbitant acquisition costs.

A more significant problem is the lack of deregulation. As in Argentina, Brazil, and other Latin American countries that have sold state-owned enterprises, privatization in Mexico has often meant transferring monopolies from public to private hands. As long as domestic and foreign competition is either minimal (as in banking) or nonexistent (as in the telephone market), customers are not much better off than before privatization.

Another major fault in Salinas's program is a price-control arrangement known as the Stabilization Pact, which covers all the raw materials, foodstuffs, and high-consumption consumer goods whose prices are used to calculate the Mexican Consumer Price Index. This pact among labor unions, the government, and prominent businesses subjects increases of all controlled prices to the approval of representatives from these three constituencies. Among other things, the pact has led to long gas lines, widespread price speculation, and shortages of tortillas, bread, soft drinks, and other foodstuffs. The pact mainly serves to contain the political fallout from workers facing rising prices while their own wages are subject to government control. All wage increases are subject to government approval, and pact negotiations set ceilings on minimum wages. Because the government does not allow the labor market to function, the "minimum wage" has, in practice, become a maximum wage for many workers.

During the most recent stage of Salinas's economic program, popularly called Salinastroika, foreign investors were attracted by artificially high rates of return in the Mexican financial markets. The government keeps stock prices high by buying shares when the market is falling, and government bond rates have gone as high as 32 percent even as U.S. rates were falling to less than 2.5 percent for certificates of deposit. Under those circumstances,

the capital flow into Mexico in 1993 was about $15 billion, more than 68 percent of it from the United States. This capital inflow helped mask the Mexican economy's weaknesses. Moreover, it will not last; investors are bound to get nervous and start exiting the stock market, a trend that will be accelerated by the high interest rates on bonds.

The North American Free Trade Agreement was the final piece of Salinastroika. After George Bush lost his re-election bid, the Mexican government had to spend most of its remaining political capital to convince Mexicans of NAFTA's merits. Government and business propaganda raised unwarranted expectations among the Mexican people for short-term economic growth. When this growth fails to materialize, both Salinas's party and his policies could face serious political problems.

Another obstacle to continued economic reform is the widespread feeling that Salinastroika has not been accompanied by a Mexican glasnost. Because Salinas was afraid of how radical political reform would affect the 1994 elections, he has proceeded timidly. Even so, voters probably will dictate the outcome of the presidential campaign, which has not always been the case in the past. To help elect the PRI's new presidential candidate, Ernesto Zedillo Ponce de Leon, Salinas should implement the following economic policies:

- Dismantle the remaining price controls, eliminating the Stabilization Pact and freeing wages.
- Eliminate the minimum-wage system.
- Adopt a 15-percent flat tax on income and reduce the value-added tax to 5 percent.
- Repeal the 2-percent tax on assets.
- Simplify basic administration procedures such as tax returns.
- Restore realism to the stock market by stopping government purchases of shares through Nacional Financiera (a government development bank) when prices market are falling.
- Ask the Bank of Mexico to abstain from further interventions to keep the peso in a controlled fluctuation range and cease the manipulation of short- and long-term interest rates.

By adopting these measures, Salinas can free Zedillo from the task of defending the "neoliberal" economic program, which the left has discredited by tying it to false promises about NAFTA. This will allow Zedillo to focus on badly needed legal reform, responding to the electorate's desire for justice and democracy. A new constitution would be a good start. The Mexican Constitution, which dates from 1917, has 146 extremely long articles. After 77 years of bureaucratic legal activism and hundreds of modifications, it is a mess. Writing a new constitution—a short and simple one, similar to the U.S. Constitution—is the first step toward establishing the rule of law in Mexico, the basic prerequisite for the security that one-party rule has failed to provide. ®

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THE NEW MEXICO

THE REACTION TO THE REVOLT AND ASSASSINATION BODES WELL FOR THE FUTURE.

BY RAOUL LOWERY CONTRERAS

The world had been primed by Mexico's ruling elite to expect a modern Mexico on the day the North American Free Trade Agreement went into effect. Instead, television news was filled with images of armed Indians shooting up Mexican towns, just like in the old days. Hundreds of Indians wearing red bandanas to conceal their identities occupied various towns in the southern Mexican state of Chiapas. Armed with everything from wooden sticks to AK-47 assault rifles and rocket-propelled grenades, they grabbed the world's attention. They called themselves the Zapatista National Liberation Army, after Emiliano Zapata, a hero of the 1910 revolution.

Soon after the Chiapas uprising, the PRI's presidential candidate was assassinated on a crowded Tijuana street, adding to the impression of violent turmoil. Either incident might have spelled the death of "New" Mexico, the rise of the Old.

Yet the reaction to the revolt and the assassination in fact showed how dramatically Mexico has changed in recent years. The country is finding that joining the international economy implies not only open trade but also a more open political system and a greater respect for human rights.

The rebel grievance grew mainly out of conditions that are summed up by figures from the Mexican Ministry of Social Development: There are 3.2 million people in the state of Chiapas, of whom 866,834 are Indians, speaking 10 different languages in addition to Spanish. Two million Chiapans have less than an eighth-grade education; 30 percent are illiterate. One-

third of Chiapans live without electricity or running water, in housing with dirt floors. Two-and-a-half million earn less than $7.00 a day.

Salinas's National Solidarity Program, a huge public-works and anti-poverty program intended to re-establish the PRI's political supremacy in rural Mexico, has spent $727.5 million on 8,869 projects in Chiapas during the last four years, the largest amount spent in any single state. Nonetheless, the Zapatista National Liberation Army found plenty of support among the Indians and low-income mestizos of Chiapas and neighboring states. It was not enough to spark a general revolution, but enough to splash Mexico on the front pages of every major newspaper in the world.

After some initial fighting in which more than 100 people were killed, the rebels fled into the Lacandon Forest. The Mexican Army stopped its pursuit, observing a cease-fire ordered by President Carlos Salinas. Leftists accused the Army of murdering Indians and mistreating rebel sympathizers. It remains to be seen if any of these charges are true, and if they are, whether they reflect official policy as opposed to isolated abuses.

Rather than ordering an old-style crackdown, Salinas directed the Army to pull back and sent in a negotiating team headed by former Mexico City Mayor Manuel Camacho. The negotiations went well, and Camacho's political capital soared. Mexicans started looking at Camacho as a possible independent presidential candidate and at the PRI candidate, Luis Donaldo Colosio, as an also-ran. Insulted by Camacho's presidential flirtation, the hard-line PRI "dinosaurs" put pressure on anyone who might be inclined to support him. Finally, Camacho called a press conference and announced that he would not run.

PRESIDENT CLINTON AND HIS NAFTA ALLIES HELD THEIR BREATH, WONDERING WHETHER MEXICO WOULD FALL APART AFTER THE COLOSIO ASSASSINATION. THE FIRST SIGNS THAT IT WOULD NOT COULD BE SEEN ON THE SPOT. THE ASSASSIN WAS ARRESTED AND HUSTLED OFF TO A POLICE STATION. IN THE OLD MEXICO, HE WOULD HAVE BEEN KILLED BY A FUSILLADE OF .45-CALIBER BULLETS FROM COLOSIO'S BODYGUARDS. IN THE NEW MEXICO, HE WAS ARRESTED, CHARGED, AND QUESTIONED IN THE PRESENCE OF A HUMAN RIGHTS OMBUDSMAN.

The next day, in one of bustling Tijuana's poorer *colonias* (neighborhoods), Colosio gave what observers say was his best campaign speech, then stepped into a crowd of thousands to press the flesh. Pushing his way through the teeming mass of Mexicans, Mario Aburto Martinez, 23, raised his Brazilian-made .38-caliber revolver to the right side of Colosio's head and pulled the trigger, pulverizing Colosio's brain. Colosio died while surgeons worked feverishly to save the life of Mexico's president-to-be. American trauma centers and officials anxiously awaited word in San Diego, 20 miles away, ready to help. The San Diego mayor even dispatched a LifeFlight helicopter to Tijuana to bring Colosio to San Diego. It wasn't needed.

President Clinton and his Republican NAFTA allies held their breath, wondering whether Mexico would fall apart. The first signs that it would not could be seen on the spot of the Colosio assassination. Mario Aburto Martinez was arrested and hustled off to a police station. In the old Mexico, he would have been killed by a fusillade of .45-caliber bullets from Colosio's bodyguards. In the new Mexico, he was arrested, charged, and questioned in the presence of a human rights ombudsman (from the opposition party, PAN).

In the old Mexico, troops would have smothered Tijuana with curfews and martial law. The most used border crossing in the world, between Tijuana and San Diego, would have been closed. But nothing of the kind happened. Mexicans, though mourning, went about their business the day after the assassination. Lines of Mexican-owned cars waited patiently at the border to enter the United States on business. Thousands of Americans walked the streets of Tijuana, looking and shopping. It was a normal day in San Diego/Tijuana, the largest international metropolitan area in the world.

In Mexico City, the stock market (the Bolsa) was shut down by the government after all-night meetings and phone calls to all the world's financial markets. Government officials in Mexico and the United States revived a secret agreement developed prior to the NAFTA vote in the House of Representatives last November. The United States had agreed to provide a $6-billion line of credit for Mexico to use in propping up its currency, the peso, in the event of a negative NAFTA vote. Such a vote would have created financial havoc in Mexico. Since NAFTA passed, the line of credit was never used. It was held on stand-by during the Chiapas uprising to prevent a peso crash but wasn't needed. In fact, the Bolsa jumped 5 percent when Camacho announced he would not run for president.

Upon confirmation of Colosio's death, Finance Minister Pedro Aspe, another of Mexico's Ivy League–trained technocrats, called his advisers together for an all-night meeting to decide how to handle the emergency. The United States weighed in

with the previous agreement to provide a line of credit. Financial markets throughout the world agreed to help. The Bolsa was closed for a day. The U.S. market plunged. Everyone wondered what would happen on the relatively new Mexican market when it opened the next morning. It dropped less than 1 percent.

The financial emergency was over, but the PRI was still without a candidate, since there is no vice-presidential position or candidate in the Mexican system. The problem was back in Salinas's lap. As rumors of assassination conspiracies swirled throughout Mexico and in its newly free press, he had to act. He had two options: He could personally select a replacement candidate, or he could call a PRI convention to name a candidate, which would take time and allow conspiracy theories to spread and disrupt the country.

Salinas acted quickly and decisively. Within 120 hours of the assassination, he named the PRI's new candidate, Ernesto Zedillo, a 42-year-old Yale-trained economist who has never held public office. As Salinas's budget director, Zedillo enthusiastically carried out the president's free-market reforms. As secretary of education, he junked propagandistic anti-American textbooks and took on the politically powerful national teachers' union. He broke the union's power by decentralizing education, giving more authority to states and localities, and bringing parents into the loop. When he left this post to become Colosio's campaign manager, his efforts had increased Mexico's literacy rate to 90 percent.

PRI stalwarts objected to Zedillo. They wanted a seasoned politician, PRI President Fernando Ortiz Arana, whom they could count on to snuff out the Indian rebellion and to stop the massive shift to a free market and free politics. These dinosaurs object to an American-educated and trained technocracy running Mexico. They also did not like the fact that Zedillo was raised on the American border in Mexicali, the capital of Baja California. As a former altar boy, he is anathema to the deeply anti-clerical tradition of the PRI hierarchy. And ultra-nationalist Mexicans object to Zedillo because of reports that he crosses the border to shop at the Calexico, California, K-Mart during his frequent visits to Mexicali.

MEXICO WILL CONTINUE ITS MARCH TOWARD POLITICAL FREEDOM UNDER ZEDILLO FOR SEVERAL REASONS. HE AND HIS AMERICAN-TRAINED ASSOCIATES KNOW FULL WELL THAT WITH ECONOMIC FREEDOM COMES POLITICAL FREEDOM. ZEDILLO HAS WATCHED EASTERN EUROPE FALL APART ECONOMICALLY AND WATCHED COMMUNISTS WIN ELECTIONS THERE BECAUSE THESE PEOPLE WON THEIR POLITICAL FREEDOM WITHOUT A FREE-MARKET BASE. HE CAN COMPARE EASTERN EUROPE TO CHILE, WHERE THE FREE MARKET PRECEDED FREE ELECTIONS.

But as the PRI candidate, Zedillo is expected to win the presidency in the August 20 election, a three-way contest with leftist Cuauhtemoc Cardenas and the right-of-center PAN nominee, Diego Fernandez de Cevallos. Recently enacted election reforms and the presence of international observers may ensure a free election for the first time since the 1920s. Zedillo will probably win even if the election is clean, a prospect Americans should welcome.

Zedillo will support NAFTA with all the resources at his disposal. That will mean spending billions of dollars along the border to improve infrastructure and the environment. Many of those dollars will be paid to American companies operating in Mexico for the first time. Mexico will continue to sell off government-owned businesses under Zedillo, who directed the sale of more than 600 such enterprises as budget director.

Zedillo's Mexico will continue the peaceful accommodation with the Chiapas Indian rebels, because the world is watching. Zedillo wrote his doctoral dissertation on Mexico's external debt, so he knows exactly who controls investments in Mexico and how they view Mexican politics. He knows that foreign investors want a stable, peaceful Mexico.

Mexico will continue its march toward political freedom under Zedillo for several reasons. The first steps toward political reform were taken by Salinas while Zedillo served in his administration. Zedillo and his American-trained associates know full well that with economic freedom comes political freedom. Zedillo has watched Eastern Europe fall apart economically and watched Communists win elections there because these people won their political freedom without a free-market base. He can compare Eastern Europe to Chile, where the free market preceded free elections.

Mexico will be well served by a Zedillo presidency, and so will the United States. For the next six years, Mexico will be led by a man who grew up on the border, who must have sneaked into the United States more than once as a kid, who shops at K-Mart despite a Ph.D. from Yale, and who knows how to recite the Latin Mass. These qualifications bode well for the future. ®

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Mind Alteration

Drug-policy scholar Ethan Nadelmann on turning people against drug prohibition

Interviewed by Jacob Sullum

PRINCETON UNIVERSITY/ROBERT P. MATTHEWS

In 1988 the conventional wisdom about U.S. drug policy could be summed up in two dogmatic phrases: "zero tolerance" and "Just Say No." Republicans and Democrats were competing to see who could be tougher on drugs. Doubts about the wisdom of prohibition—let alone proposals for legalization—were beyond the pale of acceptable discussion.

That climate started to change in the spring, after two respectable people publicly criticized the war on drugs and said it was time to examine alternatives. One of them was Baltimore Mayor Kurt Schmoke, who told a group of mayors and police chiefs in April that the drug war was a failure and said drug use should be decriminalized. The other was a young Princeton professor named Ethan Nadelmann, who attacked prohibition and made the case for

legalization in the March issue of *Foreign Policy*. Nadelmann argued that drug-control efforts had skewed U.S. foreign policy while accomplishing remarkably little, and he noted that most of the harms associated with the drug trade—including violence, corruption, disease, and crime—were caused or exacerbated by prohibition.

"When women talk about having control over their own bodies vis-à-vis abortion, they should realize that's one and the same as talking about control over one's own consciousness vis-à-vis drugs. If people want the power to sell their bodies—the same thing. When gays talk about sexual privacy, once again it's the same thing. And all these freedoms are not fundamentally different from the freedoms of speech, press, and religion that most Americans now take for granted."

The juxtaposition of the Schmoke and Nadelmann critiques, coming amid growing anti-drug hysteria, attracted intense interest from the mainstream news media. In late April, Nadelmann came back from a meeting in Mexico to find 20 messages on his answering machine, including calls from *The New Republic*, local radio and television stations, and ABC's *Nightline*. "The first TV appearance of my life was on *Nightline* with Kurt Schmoke and [Rep.] Charlie Rangel (D-N.Y.)," Nadelmann recalls. "The next day I came to my office, and the phone list was 40 calls long, including *The New York Times*, *The Washington Post*, *Time*, *Newsweek*. There was this incredible media onslaught."

During the next few months, Nadelmann debated drug warriors on *Donahue*, *Larry King Live*, and various other talk shows. He began receiving invitations to speak. At last count, he had given speeches on drug legalization in 31 states and 13 countries. In addition to the piece in *Foreign Policy*, he has written articles on legalization for *The Public Interest*, *Science*, *Daedalus*, *The New Republic*, *American Heritage*, and *Rolling Stone*, among other publications. (He also contributed to a forum on "America After Prohibition" in the October 1988 issue of REASON.)

In Nadelmann the drug legalization cause has found a spokesman who is thoughtful, personable, and quick on his feet. As a centrist, an expert on international law enforcement (he is the author of *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement*), and an assistant professor at Princeton's Woodrow Wilson School of Public and International Affairs, he has helped bring credibility to a viewpoint long associated with hippies and wild-eyed libertarians. His relaxed, reasonable manner contrasts with the bombastic rhetoric of many drug warriors and helps him communicate with the disparate factions of the reform movement.

In 1990 with funding from the Smart Family Foundation, Nadelmann assembled a panel of 18 drug-policy scholars into the Princeton Working Group on the Future of Drug Use and Alternatives to Drug Prohibition. The working group, which meets periodically, plans to produce two reports, one on short-term "harm reduction" measures, such as needle-exchange programs and marijuana decriminalization, the other on long-term strategies, including a variety of legalization schemes. Nadelmann also serves on the boards of the Drug Policy Foundation and the International Anti-Prohibitionist League.

This summer Nadelmann will leave Princeton to direct the Center on Markets and Morals, a new think tank funded by billionaire investor George Soros. The center will study a range of vice issues, including gambling and prostitution, but its main focus will be drug policy. Soros's goal, Nadelmann says, "is to invigorate and support a broader debate on drug policy" and to encourage a shift from drug war to "drug peace."

REASON Managing Editor Jacob Sullum interviewed Nadelmann in mid-April. In conversation Nadelmann is focused and calm, careful to make distinctions and allow for nuances. He is quick to admit when he has not thought an issue through or does not know enough to form an opinion. He is comfortable with the cost-benefit language of policy analysts yet firm in his support for individual autonomy, the value that animates his attack on drug prohibition.

Reason: How did you first become interested in drug policy?

Nadelmann: In 1983 I was working on a law degree and a Ph.D. in political science at Harvard. Until that point, I had focused on international relations, U.S. foreign policy, and Middle East politics. I was finding the subject depressing. The field was increasingly crowded, and I was finding it hard to relate to my law degree and legal studies. I was also at the point where I was going to have to learn the languages to be really serious about it.

I was looking for something that would combine law and foreign policy, something that was interesting and had research potential, that was not a crowded field. I had always had an interest in the drug issue and crime, a sort of fascination with it. Part of it was having been one of a generation that smoked pot and experimented with other drugs. My dad was a rabbi, and I grew up

with a very ethical background in many respects, seeing myself as a law-abiding person. And you go to college and you smoke pot, and you're struck by the fact that you could lose your freedom for engaging in an activity which seems entirely innocuous. Reading John Stuart Mill in my sophomore year clicked with that in certain ways.

Reason: Was there a point in your research when you became convinced that the illicit drugs should be legalized, or did the research confirm your initial views?

Nadelmann: I was inclined toward the legalization of marijuana and inclined toward the notion that possession and use of drugs should be legal in environments that were not harmful to other people. I was inclined that way, but I hadn't thought it through. I didn't know much about heroin or cocaine. In '83, '84, I started doing research on U.S. international drug-control policies and on the broader range of issues that lie at the intersection of U.S. foreign policy and criminal justice. I published my first article in '85 in the *Washington Quarterly*. I really pulled my punches, but I basically said that U.S. international drug policy didn't seem to be working very well.

At that point, I was a consultant to the Bureau of International Narcotics Matters in the State Department, working on a classified report on international efforts against drug-related money laundering. Between that job and my research as a graduate student, I traveled to Europe and South America, interviewing drug enforcement officials. Then I would go back to Cambridge, and I would do historical work on these issues. I began to get more of a historical perspective, to understand the racist origins of drug laws, learn more about the late 19th century and what drug use was like then. I began coming up with more of an analysis that sorted out the limits, costs, and consequences of prohibition.

In 1985 I wrote my first legalization paper, which was subtitled "The Radical Sound of Common Sense." I sent it to *Commentary*, and I got a very nice note from Norman Podhoretz, saying, "Thank you for your interesting article, but we remain firmly on the other side." In retrospect, I was very lucky that they didn't publish it, because it was a sort of sophomoric first take. But I circulated it among friends, and that was the first time I put those ideas down on paper.

The first talk I gave where I explicitly attacked prohibition and suggested that legalization might be the answer was in June 1987, just before I left Harvard, at Ft. Bolling Air Force Base in Washington. It was a conference sponsored by the Defense Intelligence College, where the audience consisted mostly of intelligence analysts and military people. I was on a panel with the number-two guy in the State Department narcotics bureau, the number-two guy in the DEA, the head of drug enforcement at the FBI, the head of the Marine Corps's anti-drug program, and Mark Moore, my dissertation adviser. I said, "Look, let's face it. The problem here is drug prohibition. You're essentially no different from the Prohibition agents of the 1920s." People started hissing at me, saying, "What's he doing here? Get him out of here." It was quite a time.

Reason: How do you explain the response to your 1988 article in *Foreign Policy*?

Nadelmann: My article would not have done it without Schmoke. His speech was really the key thing. Part of it was that there was this war-on-drugs hysteria going on, and journalists kept looking for stories, any story with a new angle. Plus, there was this silent view, held fairly widely, that there was something screwy with the war on drugs. There were enough people around who realized that it struck a chord.

Reason: In what ways has the drug-policy debate changed since 1988? What did the reaction to Surgeon General Joycelyn Elders's remarks about legalization show?

Nadelmann: Now the legalization issue is being played less for entertainment value and more as a serious thing. Whereas before we were piggybacking this war-on-drugs craze, now that's died away, and there's a much more substantive interest in drug-policy alternatives. When Schmoke said it, the reaction was, "Oh my God, did you hear what he said?" There were a lot of jokes about him being a one-term mayor. With Elders, you had the talking heads on the Sunday morning programs and mayors, from Frank Jordan in San Francisco to Sharon Pratt Kelly in Washington, all saying, "Look, what's wrong with talking about this stuff?"

"The legalization issue is being played less for entertainment value and more as a serious thing. When [Baltimore Mayor Kurt] Schmoke discussed legalization, there were a lot of jokes about him being a one-term mayor. With Joycelyn Elders, you had the talking heads on the Sunday morning programs and mayors, from Frank Jordan in San Francisco to Sharon Pratt Kelly in Washington, all saying, 'Look, what's wrong with talking about this stuff?'"

What did she say? She said legalization would reduce crime, which seems pretty clear. She said the Europeans are doing some interesting things. Well, that's certainly the case; we should learn more about their "harm reduction" approach. And she said we

should study it. So she put it out there in a way that was quite acceptable to people. If you look at the editorial pages, I bet you'd find much more support for what Elders said than for what Schmoke said six years ago.

More and more people are coming up to me and other people who speak on this issue and saying, "You know, four or five years ago, when I first heard it, I thought it was crazy. Now I think I agree with you." So a lot of people are changing their minds, as opposed to four or five years ago, when people would come up to me or Schmoke and say, "You know, I agreed with this all along."

Reason: How would you describe your politics? What aspects of libertarianism appeal to you, and what aspects trouble you?

Nadelmann: I vote for the Democratic Party pretty consistently, with an occasional protest vote for a Libertarian. My politics are fairly eclectic. They're probably more conventionally liberal than they are conventionally conservative. I'm sympathetic to a lot of what the ACLU does, but I don't agree with the whole social agenda. I identify more with the Democratic Party than the Republican Party, but I'm definitely not comfortable, given a lot of the bullshit that they've put forward, especially on issues I care about.

On drugs, and crime generally, there's an over-emphasis on criminal-justice approaches. The general trend toward the federalization of crime has been a big mistake. The Democrats are not more wrong than the Republicans in this area. The damage has been that they've followed the Republicans on a lot of these issues. They've essentially sold out their own principles. People like Charlie Rangel, [Sen.] Joe Biden, and [Rep.] Charlie Schumer use the drug issue as their way to be tough on crime.

The most important aspect of libertarianism to me is the focus on individual autonomy in areas that to me are the logical extension of First and Fourth Amendment rights—the ones that have to do with privacy especially. When you get into drugs and other vices, I like the notion of treating adults as fully responsible: on the one hand, giving them the freedom to make their own mistakes and pursue their own virtues and vices; on the other hand, holding people responsible for their behavior. There should not be an abundance of excuses for that type of stuff.

What's especially appealing is that the libertarians seem to have a coherent understanding of what individual autonomy means in the context of a complex society. That's what most motivates me. What I most care about is advancing this notion of individual autonomy. When women talk about having control over their own bodies vis-à-vis abortion, they should realize that's one and the same as talking about control over one's own consciousness vis-à-vis drugs. If people want the power to sell their bodies—the same thing. When gays and others talk about sexual privacy, once again it's the same thing. And all these freedoms are not fundamentally different from the freedoms of speech, press, and religion that most Americans now take for granted—but that were once as contentious as the right to control one's body and one's consciousness is now. Drugs are an integral dimension of that.

The emphasis of libertarians on property rights is something that I've never cared as much about. Yes, the privacy of one's home and one's property is very important. But the notion that we reach optimal solutions, whether based on some sort of cost-benefit analysis or on purely ideological grounds, by having the government uninvolved in economic transactions, is something I'm not persuaded about, although I haven't studied it in any great depth.

Reason: What is the main obstacle to getting people to think seriously about legalization? What is the most important thing that someone who is skeptical about legalization should know?

Nadelmann: The most important objective now—rhetorically, intellectually, and conceptually—is getting people to focus on prohibition as the problem, in the way that people saw alcohol prohibition as the problem. The fact of the matter is, it's a prohibition system, but most Americans don't think of it that way, because we've all grown up under it. We don't envision the alternative. The most important thing is to get people, when they hear about shootings in the street, to say, "Damn that prohibition," not "Damn those drugs." Or when they hear about the courts being overflooded and the prisons being overflooded and violent prisoners being let out, they should say, not "Damn drugs," but "Damn prohibition." Or when they hear about a rash of overdose deaths on the street, or the drug-AIDS connection, same thing. It's getting people to talk about it and think about it in those terms, to understand the analogy to alcohol prohibition.

The most important obstacle is this deep-seated fear

"The most important objective now is getting people to focus on prohibition as the problem, in the way that people saw alcohol prohibition as the problem. The most important thing is to get people, when they hear about shootings in the street, to say, 'Damn that prohibition,' not 'Damn those drugs.' Or when they hear about the prisons being overflooded and violent prisoners being let out, they should say, not 'Damn drugs,' but 'Damn prohibition.'"

of drugs that's very much analogous to the fear of communism. The roles that communism and drugs have played in American politics are quite similar. In the case of communism, there was an external threat, but the communists were not knocking on our doors. Drugs do come from abroad, but it's not as if we're being overwhelmed by these things. And yes, there were communist spies in this country, but there wasn't a commie under every bed. Yes, there is a drug problem in this country, but there isn't a drug addict in every corner. *Invasion of the Body Snatchers* symbolized communist brainwashing in the '50s; it symbolizes drug brainwashing and the capture of our children today. One of the core truths in Thomas Szasz's *Ceremonial Chemistry* is about the role that drugs play as a bogeyman in our society, in the same way that witches and Jews and others have in the past.

This deep-seated fear of drugs is totally inconsistent with the scientific evidence, and it's inconsistent to a large extent with people's personal experience. There's an analogy here with homosexuals. Thirty years ago, almost everyone in the country knew someone who was gay. They just didn't know they knew somebody who was gay. Now they do. Well, 60 to 70 million Americans have violated the drug laws; everybody knows somebody who has used illegal drugs. But not everyone knows that they know them.

Of the huge part of our generation who have used drugs, how many have told their parents, to this day, even though they are now successful professionals and parents and what have you? There's a need to come out of the closet and talk openly about drug use. As things stand, the only kind of use that is visible is either the dysfunctional drug use or the media portraits of it. So there's this incredibly skewed view of what drugs are about.

I think that may be changing. I've noticed a real loosening in the past year in terms of people talking about their drug use, an opening up about that. And you can't get away from the fact that we now have a president who smoked but didn't inhale and a vice president who smoked and did inhale. It's probably the case that half the administration has used illicit drugs. You can only sustain the hypocrisy so long.

Reason: What sort of mistakes have you seen advocates of reform make when they're addressing a general audience? Are there mistakes that libertarians in particular tend to make?

Nadelmann: A lot of people are looking for a way out of the current morass but don't know what to do with the radical alternative. They just don't see how to get from here to there. And the libertarians have maybe not thought enough about how you move people down that spectrum, because a lot of those intermediate steps involve compromise measures that are inherently distasteful to libertarians.

On the positive side, the libertarians are articulating a pretty clear set of principles which resonate with a certain sector of the country and which are important. So I'm glad the libertarians are out there, even though occasionally I have to deal with the people who say, "Well, you want to sell crack in candy stores," because that's what Milton Friedman or Thomas Szasz would do. I have to say, "No, that's not the only approach; there are a whole range of other things, and I don't even know if that's the ideal." It may in fact be the ultimate goal. Their assumption that no one is going to buy those products, more or less, because other products are around may in fact be true.

Probably the most serious mistake I've seen is the tendency of so many academics and others to write for a very limited audience. I've always been conscious of the need to write for a wider audience. Even when I wrote for *Science* or *Foreign Policy*, I tried to write in a way that was accessible. I'll spend the time to write something for *Rolling Stone* rather than a more narrow, academic journal.

Reason: Should advocates of reform tie the issue of illegal drugs to the issue of prescription drugs?

Nadelmann: I took a poll of the Princeton Working Group, asking how many people believe that we should eliminate the doctor's role as a gatekeeper. This is the fundamental element of the prescription drug system, which really lies at the heart of drug control, as Thomas Szasz and others have recognized. The group was almost evenly split.

On a broad rhetorical level, the relationship between prohibition and the prescription drug system is beyond the understanding or imagination of a lot of the people who casually think about this issue. They just haven't seen the connection. I'm not tempted to use it in my own speeches, except for the most sophisticated audiences. People are so accustomed to the idea that doctors have control over this. But one of the things that we're going to do at the Center [on Markets and Morals] is a seminar series that

"We need to talk openly about drug use. The only kind of use now visible is either dysfunctional drug use or media portraits of it. It's an incredibly skewed view of what drugs are about. That may be changing. You can't get away from the fact that we have a president who smoked but didn't inhale and a vice president who smoked and did inhale. Half the administration has probably used illicit drugs. You can only sustain the hypocrisy so long."

raises the issue of whether we need a prescription drug system.

Reason: In an article you wrote for the Summer 1992 issue of *Daedalus*, you note that the "public health" approach to drugs has totalitarian implications if you follow it to its logical conclusion. Yet you support this approach to some extent. How do you decide which public-health measures are acceptable and which go too far?

Nadelmann: It's a matter of how far it infringes on individual autonomy. I see the slippery slope. It's a matter of drawing the line somewhere. I'm inclined to say we should look for restrictions which infringe less on individual autonomy.

I look on the notion of a totally free market in, say, cigarettes, without the government playing any sort of inhibitory role, as not a desirable thing. I actually think the government should play some role in shaping society—especially the external environment, but even in encouraging people to act in their own interests—but that it should do so with a much softer hand than it's using in a whole range of areas.

I'm willing to use the tax system to discourage consumption among kids, and even among adults to some extent. But I'd be wary of using more invasive measures. I'm sympathetic to the idea of banning vending machines for cigarettes. But then [ACLU Executive Director] Ira Glasser says, "First you ban cigarette machines. The next thing you'll be banning is condom machines." So he sees that slippery slope, and I see where he's coming from. I'm undecided. Same thing with advertising. One of the biggest problems for libertarians, it seems to me, is how you devise methods to limit access by kids that don't infringe too much on adults.

I think it's legitimate for government to play a role in trying to discourage people from using cigarettes. If they want to put the information out there, that sounds fine to me. But I find incredibly distasteful the way that they're demonizing cigarette users now. What's happening now, with [FDA Commissioner David] Kessler, is they're heading in a prohibitionist direction, which is something I would regard as very bad on both policy grounds and ethical grounds.

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Reason: You've written that drug policy should minimize the harm caused both by drugs and by government intervention. What are the weaknesses of this cost-benefit approach?

Nadelmann: The main weakness is how you define costs and benefits. The economists don't identify issues like privacy, freedom, tolerance. They give these things zero value. And to me, those are very significant.

Reason: In the *Daedalus* article, you propose a mail-order system for drugs that the Princeton Working Group has discussed. How would that work, and what advantages do you think it has over a more free-market approach?

Nadelmann: We're trying to balance three competing sets of interests. You want to minimize the negative consequences of prohibition. But on the other hand, I'm persuaded by evidence from the public-health field that restrictions on the availability of drugs like alcohol and tobacco are effective in reducing the negative consequences to the users themselves and to others. There's also a tension between the individual's right to consume drugs and a community's right to control its external environment. And then there's the fact that we live in a federal system; ideally, we want local approaches to local problems. You don't necessarily want the same drug policy everywhere, but state policies can't vary so much that we generate enormous interstate smuggling problems.

Then the question becomes, "What's the minimum way to accommodate these concerns?" You need an individual adult right of consumption, anywhere in the country, and you need a legally protected right to obtain drugs of known purity, potency, and quality—also anywhere in the country. The minimum way to accommodate these two rights is a system where you can call up and order drugs by mail. Anyone would have the right to obtain this stuff and to possess it anywhere in the country, even though you might not be able to sell it or market it out in the open, and you might not be able to use it out in the open.

This is a minimal system. It guts the criminal side of things. And it gets past concerns about advertising, about drugs in every corner store, and so on. The individual right to obtain and possess this stuff, and even transfer it in small amounts, is essentially sacrosanct. It also eliminates the role of the doctor; you can obtain any drugs through the system. On the other hand, it allows communities to control their external environment.

Reason: Might some municipalities allow an open retail trade, including taverns?

Nadelmann: You might have modern-day opium dens or drug cooperatives. But the state of Mississippi might remain totally dry for external purposes. It might prohibit advertising, prohibit public consumption, prohibit sale in taverns. Yet every adult would have the right to possess and consume in private.

Reason: Would the mail-order source be the government, or would there be competing private suppliers?

Nadelmann: I haven't thought about it. But to me, it's not fundamental whether it's governmental or nongovernmental.

Reason: You've noted that competition encourages innovation and movement toward better, less harmful drugs. With a government monopoly, there wouldn't be much room for that.

Nadelmann: Right. I want to find ways to promote less dangerous products. It might very well be private producers, and there could be multiple distributors.

Reason: In his book *Against Excess*, Mark Kleiman proposes a phased-in ban on tobacco, coupled with a system of "grudging toleration" for alcohol and marijuana, including drug licenses and rationing. What do you think of that approach?

Nadelmann: I think prohibiting access to tobacco products by adults is a mistake, both on policy grounds and on ethical grounds. I think it will generate a black market; it will create a lot of the same problems we've had with other prohibitions. And I think it's immoral to punish, and especially incarcerate people for making that sort of decision.

Licensing is an intriguing idea. Suppose that each time you buy a drug, you have to pass a little 10-question test on drug safety, which every junkie in town would be able to pass in two minutes, once they knew the basic answers. Or you could avoid the test by getting a license that shows you've already passed a test. Mark [Kleiman] would have the government revoking people's licenses for misbehavior. I'm not sure that's the way to go. I'd prefer to have something that resembles a license test that people could easily pass but that at least would ensure they were aware of basic precautions and other information.

Reason: What are the prospects for drug reform during the next decade?

Nadelmann: The AIDS issue has been a blessing in disguise—a horrible blessing, but nonetheless it gives real momentum to a whole range of initiatives. We've got to put abstinence from drugs on the back burner, because AIDS is more important. Although the U.S. has been painfully slow to accept this, harm reduction is getting a serious push. You see it abroad—in Europe and Australia—and it's made some inroads here. Fifty cities in the country have needle-exchange programs, compared with one or two five years ago.

The replacement of the Bush administration with the Clinton administration was generally a good thing. It brought in a lot of new blood, new thinking. Lee Brown is not what I would call a desirable drug czar, but he's no William Bennett, either. There's more room for consideration of alternatives.

Progress in the rights of homosexuals, and increasing concerns about maintaining privacy in a technologically sophisticated environment, may redound to the benefit of the drug issue. I think also that the war on cigarette users—if you want to call it that—is raising the issue of individual autonomy vis-à-vis drug use in a context to which tens of millions of Americans still relate. And the more that cigarettes get tarred as a drug, the more that connection is going to become prominent. You're going to have tens of millions of Americans beginning to identify more and more with the heroin and cocaine and marijuana users. At the same time, you're going to have these arguments about individual rights and the freedom to use drugs in your own home.

If amphetamine really starts to come on big in this country, that's a drug that's pretty hard to control. It doesn't come from abroad; it's domestically produced; it's easily produced; pretty dumb people can make it. The government's capacity to control it may turn out to be remarkably limited. So are we then going to go to widespread drug testing, or are we going to be forced to look at some alternatives?

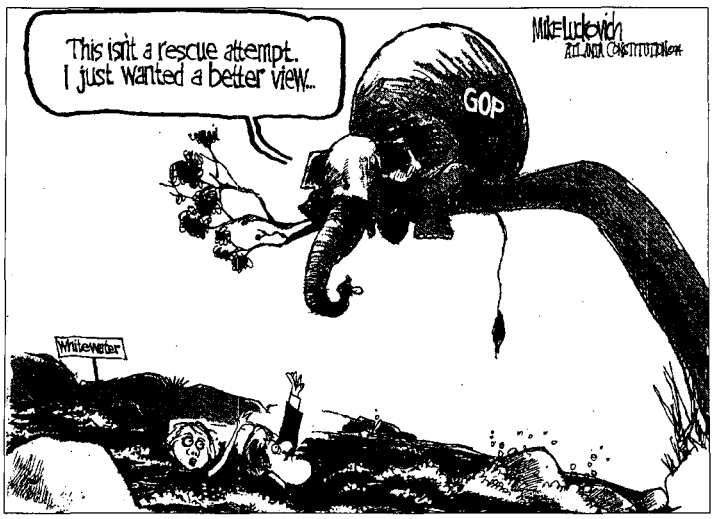
There's a sense that the drug war has proven its failure. Five or six years ago, people would say, "Well, we haven't really tried it." It's hard to say that with credibility any more. People tend to get bored with old ideas, and the war on drugs is becoming an old idea. There's a kind of natural pendulum or circularity, where people begin to think that change is inevitable. And that's going to happen in the drug area. ®

"The war on cigarette users is raising the issue of individual autonomy vis-à-vis drug use in a context tens of millions of Americans still relate to. The more cigarettes get tarred as a drug, the more that connection will become prominent. Millions of Americans will begin to identify with heroin, cocaine, and marijuana users. At the same time, you're going to have these arguments about individual rights and the freedom to use drugs in your own home."

Scandal Time

By John J. Pitney Jr.

History suggests the White House scandals won't help Republicans as much as they expect.



MANY REPUBLICANS are hoping to profit from White House scandals. But even if the voters come to see the Clinton crew as a bunch of razorback hogs in the muck, will the damage reach Democratic congressional candidates? There is reason for doubt. Although scandals can smudge reputations and wreck careers, history supplies no obvious cases where they have caused long-lasting partisan change.

Take the example of U.S. Grant, a clean man with a dirty administration. Graft and incompetence flowed so freely during his tenure that *Grantism* quickly became a synonym for political debasement. Despite the slime that surrounded him, Grant easily won a second term in 1872, and his party held the presidency in the next election. OK, so the GOP's 1876 victory was a tad fraudulent. Still, the voters forgave and forgot: In 1880, they handed the Republicans yet another term in the White House and restored a GOP majority in the House of Representatives.

During the 1920s, the emerging Teapot Dome scandal lost political steam when Warren Harding conveniently died (from poisoning by his jealous wife, according to rumor) and was succeeded by the righteous Calvin Coolidge, who led the Republicans to triumph in 1924. Three decades later, stories about widespread corruption did contribute to Truman's retirement and the GOP sweep of the 1952 national elections. In 1954, however, Democrats regained the House and Senate, starting what would become the longest stretch of one-party control in congressional history.

In all these instances, the parties in power walked away with only scratches. Once the tainted individuals left the scene, the scandals lost their sting.

WATERGATE SEEMS TO BE AN EXCEPTION. The Republicans suffered deep losses in the 1974 congressional elections and did not really recover until 1980—and even then, they failed to win control of the House. Ever since the 1970s, therefore, opposition researchers of both parties have lusted for "another Watergate," a series of revelations that would break the other side's legs and keep them broken for years.

The weakness of the Watergate paradigm is that the scandal was only one source of the GOP's problems in the '70s, and not necessarily the most important one. In 1972, the Committee to Re-Elect the President vacuumed up campaign resources that could have gone to GOP congressional candidates and then refused to give the slightest help to the party at large. The Nixon administration's policies—a guaranteed income, wage-price controls, racial quotas—temporarily blunted liberal criticism at the cost of obliterating partisan differences. In 1974, Nixonomics combined with an oil shortage (made worse by government controls) to produce a deep recession that probably cost the GOP far more seats than Watergate did.

Over the long run, in fact, Watergate may have hurt the Democrats more than the Republicans. Many in the party's dominant liberal wing thought they could forever scare voters away from the GOP by chanting, "Nixon, Watergate, dirty tricks." They passed up the chance to update their message by rethinking the New Deal welfare state, and they paid the price during the presidential elections of the 1980s.

Today's Republicans would be similarly ill-advised to sink all their capital into the Clintons' alleged misdeeds. (That would be as irrational as risking one's life savings in cattle futures without a miraculously well-connected broker.) For such scandals to yield long-term benefit for the GOP, two things would have to happen. First, the voters would have to conclude that wrongdoing involved Democrats outside the Clintons' immediate circle. But politicians, like cockroaches, have wondrous survival instincts. If things start to go badly, Clinton's partisans will distance themselves from him just as fast as House Democrats ditched Speaker Jim Wright when *he* became a liability.

Second, voters would have to be convinced that Republicans are much more ethical than Democrats. That is a tough sell. While Republicans can justly argue that Democrats hyped GOP misdeeds during the "decade of greed," they can hardly claim exemption from original sin.

MIKE LUCKOVICH

Among other things, Americans are painfully aware of Republican involvement in the House Bank and the S&L fiasco.

These scandals helped set off the current wave of political outsiderism. Some Republicans have assumed this sentiment would automatically help their side: Democrats hold more seats in Congress, so "anti-incumbent" usually means "pro-Republican," right? Wrong. As John Hood has argued in these pages ("The Third Way," February 1993), popular discontent with the political system has translated into growing support for minor parties.

This phenomenon extends beyond Ross Perot's presidential bid. Ryan Iwasaka, an undergraduate researcher at Claremont McKenna College, has calculated that minor-party candidates for the U.S. House received 1.8 million votes in 1992, or 2 percent of the total vote. The latter figure understates their significance, since they did not appear on the ballot in most districts. Among the races where they did participate, they won more than 9 percent of the vote.

If Republicans talk of nothing but Democratic character flaws, voters will spurn both sides and turn in even greater numbers to minor parties. To attract voters to the GOP banner instead of driving them away from the two-party system, Republicans need a compelling message about the substance of public policy.

IRONICALLY, THE ISSUE OF CORRUPTION could offer the starting point for such a message. After all, why does official corruption happen in the first place? Whenever government hands out material benefits and regulates economic activities, interested individuals and firms will seek to gorge themselves on the goodies and gain special dispensations from the rules. To curry government's favor, they will ply politicians with "gifts" and campaign contributions.

The 1972 Nixon campaign could afford luxuries such as burglary because it could raise millions from businesses afraid of government regulation. According to one of Woodward and Bernstein's sources, finance chairman Maurice Stans would make the following pitch to CEOs: "You know we got this crazy man [EPA Administrator William] Ruckelshaus back East who'd just as soon close your factory as let the smokestack belch. He's a hard man to control and he's not the only one like that in Washington. People need a place to go, to cut through the red tape when you've got a guy like that on the loose."

Since Watergate, Congress has responded to official corruption with complex regulations on ethics and campaign finance, which have mainly served to make influence peddling more subtle and professional. Using such rules to fight political rot is like treating obesity with a girdle: It rearranges the problem instead of solving it.

The best way to raise government's moral standard is to reduce its size and scope. Conversely, the worst possible course is to create costly new bureaucracies—and this is where ethics intersects with health-care reform. If you want to give physicians and other providers even more incentive to play the influence game, endow the federal government with total control over their livelihoods. If you want to create a black market in medical services, where desperate patients slip cash under the table to their doctors, then enact legislation empowering health alliances to limit fees and forbidding patients to pay doctors directly. By drawing more and more people into the swamp of regulatory politics, and by criminalizing market transactions, the Clinton health plan would set the stage for corruption far greater than anything ever imagined in Little Rock.

So in framing the campaign debate, the issue for Republicans is not policy *or* ethics, but policy *as* ethics. Focusing on the sins of individual politicians will do them little good in the long run, because the politicians will eventually go away. Instead, they need to make the case that big, bureaucratic government is *bad* government, meaning not just inefficient but ethically corrosive. ®

John J. Pitney Jr. is assistant professor of government at Claremont McKenna College.

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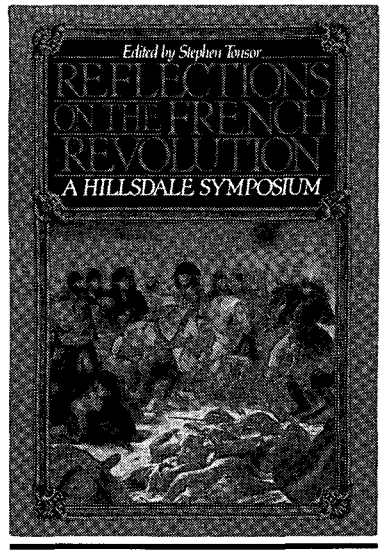

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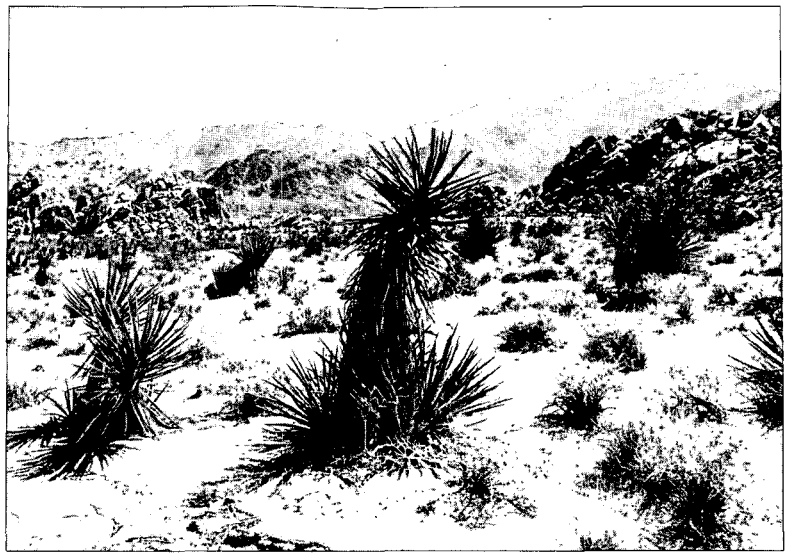
Parking Costs

By Carolyn Lochhead

Government ownership reduces every land-use decision to a power play.



The California desert: Right now the environmentalists are on top, and they want wilderness. Before them, it was the ranchers, who wanted and got cheap grazing land, and miners, who got bargain-basement mineral claims.

When Democrats Dianne Feinstein and Barbara Boxer won California's two Senate seats and Bill Clinton took the White House, the long, bitter struggle over the California desert was all but over. On April 13, the huge California Desert Protection Act cleared the Senate. Passage by the House is certain, leaving Republican opponents with little more to do than make fiery floor speeches and plead for minor changes. By the end of the year, the largest national parks and wilderness bill in the history of the continental United States will surely be law, encompassing some 9 million acres in the southeast quadrant of California.

A breathtaking 7.8 million acres, an area the size of Maryland, are designated as wilderness, the most stringent level of federal protection. Wilderness is land left in its primitive, natural state, with no roads and no vehicles. The bill's new wilderness designations alone, 6.4 million acres, are the size of eight Yosemites. The bill creates three new national parks, Death Valley, Joshua Tree, and the East Mohave.

"This is promises made and promises kept," Feinstein declared. It is also a case study of how government ownership of land reduces every land-use decision to a political struggle. In this cutthroat game, political horse traders and Washington lobbyists divvy up the public real estate. Right now, the environmentalists are on top, and they want wilderness. Before them, it was the ranchers, who wanted and got cheap grazing land, and miners, who got bargain-basement mineral claims.

Feinstein had made the desert bill a top campaign plank, vowing to end an eight-year Republican blockade since its introduction in 1986 by former California Sen. Alan Cranston. Pete Wilson, then a senator, now California governor, had stymied the measure, as did his appointed successor, John Seymour, and the Bush White House.

Critics have ample grounds to call the measure a huge environmentalist land grab. The vast wilderness designations surely are too large; the acreage figures came straight from the Sierra Club, which decided it could trump a hard-fought compromise reached in 1980 after four years of negotiations among competing interests. The compromise called for 2.3 million acres of wilderness, which still would have established a record for the lower 48 states.

The desert bill carries incalculable costs in lost mineral wealth. Existing mines may remain, but further exploration is prohibited, closing forever one of the world's richest mineral lodes. The California desert's unique geology hosts large deposits of strategic minerals and rare earths vital to such advanced technologies as super magnets, lasers, superconductivity, special polymers, computers, and satellites.

Yet opponents did not help their cause by holding Barstow-to-Las-Vegas motorcycle races over tortoise habitat or arguing that hunting in national parks is an American birthright. The California desert is well worth preserving. It is a remarkable place of stark scenery, wild burros and wildflowers, volcanic geology, great dunes, Indian petroglyphs, homestead cabins, and the U.S. Cavalry's Ft. Paiute, which guarded the old Mohave Trail.

The vast bulk of the land is already owned by the federal government, administered by the Bureau of Land Management. The argument was really over whether to allow "multiple uses" such as grazing and mining. Most of the private property inholdings belong to two entities: Catellus Development Corporation, a real-estate firm that owns 345,000 acres of old federal land grants made to Southern Pacific Railway, and the California State Lands Commission, which manages 260,000 acres for retired state teachers.

During Feinstein's performance on the Senate floor, where she illustrated various beauties of the California desert with large color photographs, she seemed at times as

RICHARD FREAR/NATIONAL PARK SERVICE

if she were selling cinder cones and barrel cactus like so much merchandise on the Home Shopping Network. ("Look at that peak," she marveled. "Look at that beautiful blossom.") Theatrics aside, Feinstein's shepherding of the desert bill established her as an adept legislator and a shrewd politician. She stripped away opponents one by one, deleting a ranch here, removing a road there. All existing mines were shielded. By the end, even the National Rifle Association was strangely mute on hunting in the East Mohave.

To her credit, Feinstein did not resort to the usual Boxeresque demagoguery of painting her opponents as environmental rapists. By the end, Rep. Al McAndless (R-Calif.) sounded positively inane arguing that curtailing dune buggies and motorcycles will wreck the livelihoods of desert dwellers who on weekends sell truckloads of soda pop to off-road-vehicle enthusiasts. In the swirl of lobbying building up to the vote, some mining company wizards sent their female employees traipsing through Washington in an unlikely grouping called Women for Mining (or something like that) to argue that mining provides females with wonderful nontraditional economic opportunities.

LOST IN THE SPECIAL PLEADING ARE THE real economic costs, such as the trade-off between a little less wilderness or a little more exploration for the rare earths that go into such pollution-reducing technologies as electric cars. The trade-off for three new national parks also includes less money for the 367 other national parks, as the bill's chief foe, Rep. Malcolm Wallop (R-Wyo.), has doggedly argued. Land acquisition costs for the bill were very roughly estimated at $100 million to $300 million, plus $7 million a year in operating costs.

Maintenance, let alone capital improvements, in the 80-million-acre National Park System is $6 billion behind schedule. Deriding the desert bill as the "National Park Degradation Act," Wallop said national parks are "the sexiest thing going" in Congress, particularly for someone who, like Feinstein, is up for re-election. Congress, Wallop charged, has a "tremendous appetite for parks but no stomach to pay for them."

As if to prove Wallop's point, Sen. Bennett Johnston (D-La.) proceeded nonchalantly to tack onto the desert bill a New Orleans Jazz National Historical Park. Johnston, who chairs the Energy and Natural Resources Committee and had jurisdiction over the bill, also threw in a passel of new federal programs for the Mississippi Delta, with special aid for everything from minority colleges to aquaculture to "small, emerging, minority and rural museums."

All this while the federal government, according to Wallop, still owes upwards of $5 billion to the owners of 336,000 acres of private property that have been designated as national parklands. "The backlog of authorized but unacquired lands is absolutely staggering," Wallop said. "There is no way in our lifetime that this service will be able to compensate those owners of private property, who through no fault of their own landed in the middle of a park." These landowners are trapped, unable to use their land, build on it, or sell it, but of course they must still pay taxes on it.

The most remarkable spectacle of all came with a surprise oration on fiscal prudence by Senate Appropriations Committee Chairman Robert Byrd, the West Virginia Democrat who usually seems bent on paving over his home state with federal pork. "We cannot expect everything to be protected and paid for 100 percent by the federal government," Byrd admonished. "We cannot adequately maintain the parks that we now have, nor buy the lands which the authorizing committees have told us to buy. Having three new beautiful national parks would be nice, but we in this chamber have to come to grips with the realities of the age in which we live. One does not go out and buy a Cadillac when one cannot make payments on the family Ford." R

Contributing Editor Carolyn Lochhead is Washington correspondent for the San Francisco Chronicle.

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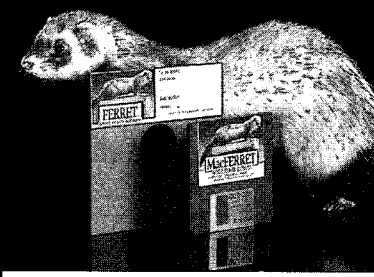

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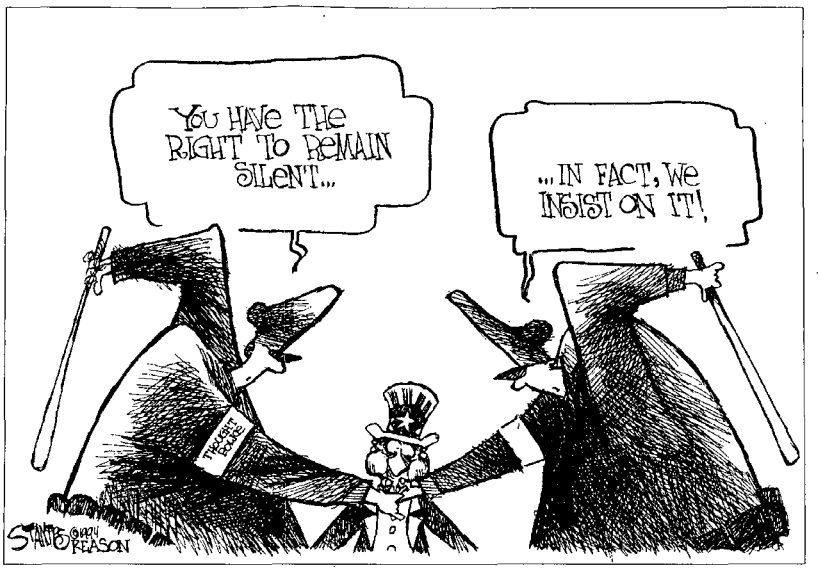
Sensitive Censors

By Steve Kurtz

The ubiquity of uniquity



GANGSTA RAP MUST be a particularly virulent form of speech. *Billboard* has editorialized against it. Sen. Carol Moseley Braun (D-Ill.) and Rep. Cardiss Collins (D-Ill.) have held not one, not two, but *four* congressional hearings about the menace. The National Political Congress of Black Women has illegally barricaded the Nobody Beats the Wiz record-store chain because it sells the music. In fact, the NPCBW's head, C. Delores Tucker, believes if stopping gangsta rap requires "regulation by Congress, so be it."

Yes, the music must be singularly wicked to demand such attention. But when Tucker gets to the Capitol to lobby for special protection against gangsta rap, she'll have to take a number and wait in line. There's already a bunch of folks ahead of her, all claiming that *their* particular object of disgust is so loathsome and so destructive that it requires—nay, demands—an exemption from the First Amendment's guarantee of free speech.

At the front of the queue are activists who hate "hate speech." "Racist speech [is] qualitatively different," says critical race theorist Mari J. Matsuda. Then there are the anti-porn people: "The way [pornography] works is unique," claims feminist legal scholar Catharine A. MacKinnon. And those who wish to rally around the flag have friends in very high places: "The flag uniquely symbolizes the ideas of liberty, equality, and tolerance," asserts Supreme Court Justice John Paul Stevens.

I'd like to coin a word, if I may: *uniquity*. This refers to the concept that some speech is so uniquely evil, so iniquitous, that the normal rules no longer apply—including the First Amendment. Although you might think that the uniquity argument would lose force the more often it's used (after all, how many worst forms of speech can there be?), the opposite is true. Over the past few years, the uniquity argument seems to have gained both greater currency and intellectual respectability.

TAKE CAMPUS SPEECH CODES (PLEASE). Critical race theorists supply much of the philosophical support for the regulation of "hate" speech. They take great pain to show that speech which disparages individuals or groups on the basis of race or ethnicity (and, potentially, gender, religion, age, marital status, sexual orientation, disability, etc.) is not like other sorts of offensive speech.

One of the leaders of the movement is Matsuda, a professor of law at the University of Hawaii. She makes no bones about her uniquity claim. As she states in a seminal law review article, recently republished by the Westview Press in *Words That Wound: Critical Race Theory, Assaultive Speech and the First Amendment*, "Racist speech is best treated as a *sui generis* category."

And why should racist speech be actionable while other forms of offensive language should not be? Matsuda explains the difference: Racism is *plainly* wrong. We know this "from our collective historical knowledge." Racist speech is "universally condemned." Except, one assumes, by those participating in the "marked rise of racial harassment, hate speech, and racially motivated violence" that makes speech codes necessary in the first place.

Under Matsuda's plan, only speech directed against historically oppressed groups would be censored. Therefore, an African American denouncing whites may be "troublesome," but there's nothing that legally should be done about it. If, however, that same African American uses anti-Semitic language, Matsuda would be "inclined to prohibit" it. Under this regime, could Khalid Abdul Muhammad feel free to assail whites in general as "hook-nosed, bagel-eating, lox-eating" blood suckers, as long as he doesn't mention any Jewish-sounding surnames?

For Matsuda, college campuses present a "special case" where *less* tolerance is needed than "in the community at large." College campuses have already proven hospitable to intolerance in the form of the anti-pornography movement.

The anti-porn crusaders, in fact, have upped the uniquity stakes by claiming that both the problem and its solution

SCOTT STANTIS

are special cases. "The feminist critique of pornography, which is not like anything else, is one in which pornography is presented as not like anything else," writes Catharine MacKinnon. And one more thing: "Speaking about pornography is not like speaking about anything else."

Leaving aside whether her critique is truly special (it's been compared to, among other things, Marxist analysis, the Big Lie technique, and a revivalist tent meeting), it's not entirely clear what MacKinnon's uniquity claim is based upon. In fact, she is constantly comparing porn to other things. To her, pornography is like "Whites Only" signs, war crimes, racial epithets, hypnosis, and Holocaust denial. It's related to forced sex, hierarchy, femininity, and atrocities. For something that's "not like anything else," it sure is like a lot of things.

THE UNIQUITY ARGUMENT IS NOT ONLY found in the exhortations of radicals. It also shows up in the august chambers of the highest court in the land. In 1989, the U.S. Supreme Court decided *Texas v. Johnson*, better known as the flag-burning case. By a 5-4 vote, the Court declared unconstitutional a Texas law against flag desecration.

The two dissents, written by Justice William Rehnquist (joined by Justices Byron White and Sandra Day O'Connor) and Justice Stevens, were quick to point out just how special the flag really is. Rehnquist's acrimonious but picturesque dissent includes a lengthy history of the flag and quotes part of Emerson's "Concord Hymn" and the entire text of Whittier's "Barbara Frietchie." For the chief justice, "The American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning." What's more, the flag inspires "uniquely deep awe and respect...felt by virtually all of us."

Stevens's opinion is more succinct but no less insistent. The flag for him is a "unique symbol" with a "unique value" that simply "cannot be measured." First Amendment precedents don't apply here, since "the case has an intangible dimension that makes [previous cases] inapplicable."

U.S. v. Eichman, in 1990, presented the Court with another flag-burning case, resulting in another 5-4 vote in favor of protecting flag abuse. Stevens, joined by Rehnquist, White, and O'Connor this time, wrote the dissent. He stated, apparently without irony, that more than any other symbol, "the flag is a reminder... that our obligation of tolerance and respect for all of our fellow citizens encompasses those who disagree with us." Hence, the government should be allowed to throw flag burners in jail.

The uniquity argument against flag burning continues to smolder. In late March, the New York State Assembly approved a resolution urging Congress to propose a constitutional amendment prohibiting wanton destruction of the American flag. "This is not just a symbol or an icon," explains New Rochelle Democrat Ronald C. Tocci. "It is the embodiment of everything that America stands for."

Just as defenders of Old Glory see flag burning as a unique attack on patriotism and all that is good about America, critics of gangsta rap view this form of music as a unique assault on decency and authority. They claim the music is a combination of profanity, misogyny, and violence with its own particularly ugly gestalt. They say it hurts an already oppressed community. The NPCBW's Tucker has even thrown historical conspiracy into the mix: "For 400 years, profit has come before principle as African Americans bore the brunt of slave masters' degradation. Who owns the companies that put out all this garbage? From what I hear, the record industry is demanding in their contracts that these messages of degradation be in the music of the artists."

Perhaps Tucker is right. Maybe gangsta rap *is* the one great exception to the First Amendment. That would make it just like hate speech, pornography, and burning the flag. So much for uniquity. ®

Steve Kurtz is a writer in Los Angeles.

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Stern Message

By Nick Gillespie

Radio's bad boy holds a fun-house mirror up to politics.

Howard Stern: As the Libertarian Party candidate for New York governor, he is injecting *intentional* parody into an election process that has gotten progressively more ridiculous.

"FOR ANY OF YOU WHO HAD doubts about me," Manhattan-based radio personality Howard Stern assured an unsettled convention crowd as he accepted the New York Libertarian Party's nomination for governor, "I am dead serious about running. I'm in this to win." As if to underscore the point, two scantily clad women —one of whom has claimed on Stern's radio show to have had sex with space aliens—danced on the dais in triumph.

Stern's three-plank platform—reinstating the death penalty, staggering tolls to reduce traffic congestion, and doing all road repairs at night—and his promise to step down immediately upon achieving those goals had carried the day.

"As I look out on this shining crowd and see all your beautiful faces," continued Candidate Stern, basking in the glow of his landslide victory, "I have only one thing to say: It's amazing they let you people vote."

Some longtime party members, however, were not amused by Stern's high-profile high jinks, claiming that the self-proclaimed "King of All Media" was disrupting a serious undertaking. It is unlikely, however, that the public perception of the Libertarian Party—often limited to such spectacles as the California branch's decision to run a former prostitute for lieutenant governor—can be profoundly hurt by the association with Stern.

Disgruntled party members, along with nay-sayers in the general public, are failing to appreciate the ironic genius of Stern's campaign. He is not in any way sullying a pristine process. He is merely injecting *intentional* parody into an electoral process that has gotten progressively more ridiculous over the years. In a country where the president's underwear is a focus of national discussion and cartoon characters prompt congressional hearings, Stern, who has suggested filling potholes with the corpses of executed murderers, seems a paragon of reason.

IT IS PRECISELY STERN'S FLAIR FOR UNDERcutting pomposity and satirizing overseriousness that drives his immense popularity: His morning radio show is broadcast nationwide to somewhere between 4 million and 16 million listeners of 15 stations; his "memoir," *Private Parts,* has sold well over a million copies in hardcover; and his New Year's Eve special was the most successful event ever aired on pay-per-view, generating more than $15 million in revenue.

The best bits of his shtick match an uncanny sense of the absurd with an unbending dedication to irreverence. Highlights of a career known for outrageousness include having his all-too-aptly-named roving correspondent Stuttering John Melendez ask Gennifer Flowers whether Bill Clinton practiced safe sex, appearing at the MTV Music Awards as the flatulent superhero "Fartman" (and managing to disgust a rock-and-roll crowd that prides itself on its own impiety), and hosting the cable-televised Miss Howard Stern Beauty Pageant, a dead-on parody of beauty contests featuring a "talent" segment in which semi-nude contestants ate live bugs, impersonated Al Pacino, and performed "breast-puppet theater" (don't ask). True, Stern is not for all tastes. But then, neither are anchovies.

The parodic elements of Stern's gubernatorial campaign could be fully appreciated at the L.P. convention. Instead of trusting his nominating speech to a silver-tongued orator type, he gave the nod to a profoundly speech-impeded guest on his radio show, Fred "The Elephant Boy" Schreiber, whose mush-mouthed proclamations were unintelligible to the audience. Seconding the nomination fell to Kenneth Keith Kallenbach, best known for once attempting to blow smoke through his eyes on Stern's lamentably short-lived late-night TV show and vomiting instead. Kallenbach seemed less interested in the nominating process per se than in sharing personal thoughts with the crowd. After nominating Stern, he produced a large rubber phallus and repeatedly asked the incredulous audience, "Hey, who wants to see my dildo, who wants to see my dildo?"

The victory celebration was sealed by a rousing rendition of Stern's perfectly tuneless campaign song, "Howard Stern For Governor," which goes something

AP/WIDE WORLD PHOTOS

like this: "Howard Stern for Governor, Howard Stern for Governor, for Governor of New York/He wants justice, he's a Libertarian, he is a great American/ Howard Stern can win the election from the Democrats or from the Republicans." Would that this scene could have taken place at a major party convention.

OTHER ELEMENTS OF STERN'S ONGOING campaign are perhaps subtler, but no less funny. His campaign slogan, "A Volt for Every Vote," is as catchy as "Tippecanoe and Tyler Too" and as winning as "I Like Ike." After the convention on his radio show, Stern called up his hand-picked candidate for lieutenant governor, former Rockland County legislator Stan Dworkin, to discuss a much-needed makeover. In particular, Stern worried that Dworkin's ill-fitting suit and "helmet of hair" were not particularly photogenic. Besides increasing the political chances of the ticket, Stern figured the makeover would help Dworkin get laid, if only by his wife of 20-plus years.

Unlike so many politicians currently on the national scene—Bill Clinton, Jesse Helms, the senatorial delegations from Illinois and South Carolina, and 100 percent of living and recently deceased former presidents immediately come to mind—Stern is funny on purpose. The current political landscape in America is as picturesque as the upper stretches of the New Jersey Turnpike. Where Abraham Lincoln once pondered a house divided against itself, Bill Clinton muses on the possible uses of Astroturf-lined El Caminos. Any number of recent political happenings are far more pornographic and distasteful than the worst Stern has so far dished up.

For instance, the U.S. Senate race in Virginia shaping up between Democratic incumbent Chuck Robb and likely Republican challenger Oliver North may well turn on Robb's incredibly nuanced definition of adultery. Robb has denied having extramarital affairs, but an internal campaign memo published in *The Washington Post* asserts, "Robb did engage in sexual relations, or oral sex, with at least a half-a-dozen women." When asked by the *Post* to explain himself, Robb commented, "I previously said I hadn't *slept* with anyone" (emphasis added). Oddly, North may be able to claim the moral high ground, since he openly admits he is a liar.

And truth be told, politics in the Empire State were a laff riot long before Stern threw his hat in the ring. When Democratic Rep. Stephen Solarz lost his seat in 1992 due to redistricting, he quickly rechristened himself "Esteban" and unsuccessfully tried to win election in a newly created Hispanic-majority district. It remains to be seen if Solarz, who was almost the U.S. ambassador to India, is contemplating any further name changes.

The 1992 New York race for U.S. Senate was even more of a yuk-fest. One high point of a very nasty Democratic primary between state Attorney General Robert Abrams, Geraldine Ferraro, New York City Comptroller Liz Holtzman, and black activist Al Sharpton came when Holtzman accused Ferraro of abetting a pornographer. Abrams won the right to take on Republican incumbent Alfonse D'Amato, who trumpeted an official rebuke by the Senate Ethics Committee as a sign of high moral standing.

D'Amato summarized the Democratic primary in verse: "Lizzie Holtzman took an axe/She gave Geraldine 40 whacks/ When Bobby Abrams saw what she done/ He took the axe and gave her 41." When Abrams denounced D'Amato as a "fascist," D'Amato took it as an anti-Italian slur and ran an ad linking Abrams to Mussolini. (D'Amato, incidentally, is a regular call-in guest on Stern's radio show, often enthusiastically performing what is arguably the worst Dr. Ruth Westheimer impersonation in the Free World).

So even as Stern's campaign is a great running gag, it manages to make a serious point. His platform represents perhaps the only issues on which New Yorkers (especially downstaters) can agree.

Libertarian stalwarts, understandably anxious that their party has been crashed by an unprincipled wild man, can rest easy that Stern is being honest when he insists he's a libertarian. While he might not appreciate the often arcane arguments of hemp enthusiasts or Second Amendment activists, he is a devotee of individual responsibility and supports legalizing drugs, lowering taxes, and shrinking the state.

Perhaps more than any person in the country, Stern knows the value of free speech and the government's capricious defense thereof: The Federal Communications Commission has fined his employer, Infinity Broadcast Corp., over $2 million for "indecency" and, for a while, blocked it from buying new radio stations. Candidate Stern's presence also exposes the absurdity of such "public interest" FCC regulations as the equal-time requirement: Should Mario Cuomo and the as-yet-unnamed Republican nominee be given time slots to engage in phony phone calls, butt-bongo fiesta, and other typical Stern antics?

As much as he goofs on the Libertarians for their chess-club mentality and their geekiness, Stern agrees with most of their ideas. In fact, Stern's intuitive embrace of the Libertarian rebuke of the leviathan state may well indicate broad-based support for the party's general principles. Given New York's bloated state and local governments, its residents—and Stern is nothing if not the embodiment of that once-great state and city—are in a particularly good position to understand the negative effects of big government. Though they chafe under his wisecracks, both the state and national Libertarian parties have gained an exposure for their platforms unimaginable without Stern's candidacy. If Stern manages to garner 50,000 votes, the NYLP will have guaranteed ballot access—something they've never enjoyed—through the 1998 elections. And on the off-chance he wins in November—he's currently around 30 percent in the polls and climbing—he's pledged to put libertarians in high places.

But Stern offers a more general lesson to those outside the L.P., too: If you look at him and merely see a laughingstock, you are forgetting that the joke is already in office. ®

Nick Gillespie is assistant editor of REASON.

Put That in Your Pipe

By Rick Newcombe

As an act of rebellion against political correctness, pipe smoking is hard to beat.

THE END OF THE LAST century saw the birth of two Germans who are among the most famous individuals in history: Adolf Hitler, the bloodthirsty dictator, and Albert Einstein, the peace-loving scientific genius. Both men held strong views about smoking, and it is worth examining their opinions as we approach the end of the current century. This is especially true in light of the bills pending in Congress that would ban smoking in buildings open to the public, raise tobacco taxes by huge percentages, and regulate tobacco as a drug.

Hitler was a zealot about many things, so it is not surprising that he was an extremist on the subject of smoking, which he considered vile and disgusting. "Adolf Hitler was a fanatical opponent of tobacco," reports *Time*. He was fond of proclaiming that women of the Third Reich did not smoke, even though many of them did. In his fascinating book *Cigarettes Are Sublime*, Richard Klein, a professor of French literature at Cornell University, writes that Hitler was "a fanatically superstitious hater of tobacco smoke."

Einstein, on the other hand, was very passionate about his pipe smoking. During one lecture, he ran out of pipe tobacco and borrowed some cigarettes from his students so he could crumple the tobacco into his pipe. "Gentlemen," he said, "I believe we've made a great discovery!" He later decided that his conclusion was premature. He realized that cigarette tobacco lacks the aroma, the fullness, and the taste of pipe tobacco. But what appealed most to Einstein was the entire ritual of pipe smoking: carefully choosing from a variety of pipes and tobaccos, delicately loading the briar, puffing and tamping, and the associated contemplation. "I believe that pipe smoking contributes to a somewhat calm and objective judgment in all human affairs," he said in 1950 at age 71, when he became a lifetime member of the Montreal Pipe Smokers Club.

FANATICAL INTOLERANCE, AS OPPOSED to moderation and consideration, is at the heart of the smoking debate in America today. The Occupational Safety and Health Administration wants to ban smoking in the workplace. Rep. Henry Waxman (D-Calif.) has proposed what he calls the Smoke-Free Environment Act, which would prohibit smoking in any building that is entered by 10 or more people at least one day a week (except residences, so far). What if the building is privately owned and its owner wants to smoke? Too bad. His private building will be classified as a "public facility." I am a successful entrepreneur who is responsible for sending millions of tax dollars to the state and federal governments each year—from my own taxes, from my company, from our shareholders, from our employees, from our clients, and from our vendors. This tax money finances politicians seeking to pass laws forbidding me to smoke a pipe in my own office.

In addition to the proposed smoking bans, the Clinton health plan would raise the tax on certain cigars by more than 3,000 percent, on pipe tobacco by nearly 2,000 percent, and on chewing tobacco by more than 10,000 (!) percent. Supporters of these tax hikes should read some history. King James I of England, who hated smoking as much as Henry Waxman does, raised tobacco taxes by 4,000 percent. Instead of stamping out tobacco use, he created a huge black market.

David Kessler, head of the Food and Drug Administration, wants to regulate tobacco as a drug, which under the agency's usual standards would probably mean banning it. (Can you imagine what our overcrowded prisons would be like if tobacco were banned?) *New York Times* columnist Anna Quindlen praises Kessler, as well as the "courageous" members of Congress who are eager to suspend the First Amendment by restricting tobacco advertising.

Smoking has been around for hundreds of years, and it won't go away, regardless of legislation. The *Los Angeles Times* recently observed: "Russia once whipped smokers, Turkey beheaded them and India slit their noses. The Massachusetts colony outlawed public smoking in the 1630s, and Connecticut required smokers to have permits in the 1940s. At various

JULIA SUITS

times between 1893 and 1921, cigarette sales were banned in North Dakota, South Dakota, Washington, Iowa, Tennessee, Arkansas, Illinois, Utah, Kansas and Minnesota." Despite such efforts, about a billion people around the world continue to smoke.

As Klein, the Cornell professor, notes, there is a direct link between freedom and the right to smoke. He writes: "Like other tyrants such as Louis XIV, Napoleon, and Hitler, James I despised smoking and demonized tobacco. The relation between tyranny and the repression of the right to grow, sell, use, or smoke tobacco can be seen most clearly in the way movements of liberation, revolutions both political and cultural, have always placed those rights at the center of their political demands. The history of the struggle against tyrants has been frequently inseparable from that of the struggle on behalf of the freedom to smoke."

Cigarette smokers are reluctant to speak out against anti-smoking measures. It is difficult to be a moderate cigarette smoker, and the typical cigarette smoker is clearly at risk of suffering heart attacks, lung cancer, and emphysema. Despite these health hazards, adults have a right to continue smoking cigarettes. But I hope they will consider pipe smoking as an alternative. The difference between chain-smoking cigarettes and moderate pipe smoking is the difference between drinking a case of beer every day and having a glass of wine with lunch or dinner.

Pipe smoking is a fun hobby. It is relaxing. It tastes good. It feels good. It helps us unwind. It helps us cope with stress. It enhances objectivity. It facilitates contemplation. People like Waxman and Kessler never mention these intangible benefits. They just want to know if the activity in question is "good for you" in a strict biological sense. If not, or if they *think* it is bad for you, they will attempt to outlaw it. This sort of reasoning would also support a ban on obesity, a requirement that all Americans exercise, the prohibition of junk food, limits on alcohol and caffeine consumption, and so on. The irony is that Waxman is, frankly, a little chubby, while Kessler used to be fat (and yo-yo dieting is quite unhealthy).

Compare these two with Arnold Schwarzenegger, who is as healthy as a horse and a dedicated cigar and occasional pipe smoker. I work out regularly myself. I have even trained with Arnold. In fact, I am something of a health nut. I go for a five-mile run at least once a week as part of my exercise program, which includes a minimum of four hours of strenuous workouts each week. I am in terrific physical condition. Yet I'm put on the defensive and treated as a pariah because I enjoy a pipe.

OUR TAX MONEY IS USED TO SPONSOR anti-smoking propaganda—official hate speech from the state. Anti-smoking billboards and TV commercials are aimed at encouraging the average citizen to loathe smoking and, by implication, smokers. Several days ago, I was standing on a street corner in Santa Monica waiting for the light to turn green. A city bus with an anti-smoking message on the side passed by, spewing filthy exhaust fumes. I crossed the street and entered the Tinder Box, a tobacco shop that was founded when Calvin Coolidge was president. The aroma was magnificent. I chatted with the store's founder, Ed Kolpin, who has come to work every day since 1928. He was puffing on his pipe, looking very contented. Ed attributes his good health and long life to the sense of peace that 65 years of relaxed and intelligent pipe smoking have given him.

Ed reminded me of a story about François Guizot, the French historian and statesman. A woman visited Guizot at his home one evening and found him absorbed in his pipe. She exclaimed, "What! You smoke, and yet have arrived at so great an age?" "Ah, madame," he said in reply, "if I had not smoked, I should have been dead 10 years ago." I believe we would have heard similar replies from many other famous pipe smokers who lived long and healthy lives, including Albert Schweitzer, Mark Twain, F. A. Hayek, Carl Sandburg, Bing Crosby, and Norman Rockwell.

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AN ARTICLE IN THE SUMMER 1990 ISSUE of *The Compleat Smoker* describes an interesting longevity study conducted in Pennsylvania during the late '60s and early '70s. An organization called No Other World performed the research with the assistance of the Northwestern Pennsylvania Lung Association and regional chapters of the American Cancer Society and the American Heart Association. "In the study," reports *The Compleat Smoker*, "pipe smokers attained an average age of 78—two years older than their non-smoking male counterparts." This may say something about the stress-reducing benefits of pipe smoking. At the very least, it suggests that moderate pipe smoking is not a significant health hazard.

I am a successful entrepreneur responsible for sending millions of tax dollars to the government. This money finances politicians seeking to pass laws forbidding me to smoke a pipe in my own office.

I began smoking a pipe in 1978, at the age of 28. At the time, I was a two-pack-a-day cigarette smoker. I could not run a mile without collapsing from wheezing, and on many nights my hacking cough woke me up. There was no way for me to be a moderate cigarette smoker. I decided that cigarettes were poison for me, but I still wanted to smoke, so I tried a pipe.

It took a while to get the hang of it. I suffered tongue bite; I broke one pipe because I didn't know how to handle it; I was not used to smoking without inhaling; I smoked way too fast and burned the briar on several pipes—and made a dozen other mistakes typical of the beginning pipe smoker. Pipe smoking is a ritual that requires patience and study. You can't just go to a drugstore, buy the least expensive pipe you can find, and expect to enjoy the smoke. It can take years of study and practice before your enjoyment reaches that point of contentment that only professional pipe smokers know.

When it comes to pipes, I'm strictly a beginning student. Christopher Morley wrote in 1916 that "pipe smoking is properly an intellectual exercise." I have read 17 books on the subject and hundreds, perhaps thousands, of articles, and I still learn something new every time I visit a knowledgeable tobacconist. The best overview of the subject I've seen is *The Ultimate Pipe Book* by Richard Carleton Hacker, a fact-filled volume written in an interesting and fun style. Pipe collecting as a hobby has become such a passion for me that I own nearly 200 pipes, some dating back to the 1920s and '30s. I know the history of nearly all of them and the biography of the pipe carver. There may be only a few pipe smokers left, but we are intelligent and dedicated.

If smoking has any future at all, it lies in moderate pipe smoking. I realize excessive pipe and cigar smoking can contribute to some forms of mouth, throat, or lip cancer, but it is the excess that is the problem. It is relatively easy, with time and practice, to be a moderate pipe smoker.

As a statement of rebellion against political correctness, it's hard to beat pipe smoking. It's not nearly as risky as smoking cigarettes, and it offers unique pleasures. A whole new world of enjoyment will open up for you once you start discovering the various types of briar, the thousands of blends of exquisite tobaccos from all over the world, the hundreds of traditional and unusual shapes, sizes, and finishes for a pipe, and the possibilities for beautiful artwork carved into meerschaum and briar pipes. Remember the advice of this century's greatest scientist: Pipe smoking facilitates relaxation and objectivity. Also keep in mind that Einstein did not worry about defying convention. And to be a pipe smoker in America in the 1990s, you really must be an individualist. ®

Rick Newcombe is president and CEO of Creators Syndicate.

Competing Visions

By Rick Henderson

The National Competitiveness Act would make Uncle Sam a venture capitalist.

SEN. ERNEST "FRITZ" HOLLINGS (D-S.C.) is a gruff, sometimes crude populist prone to using personal invective and ethnic slurs to make his points. On the floor of the Senate he once referred to Sen. Howard Metzenbaum (D-Ohio), who is Jewish, as "the distinguished senator from B'nai B'rith." In 1993, he suggested, presumably in jest, that we launch a nuclear attack against Tokyo to show the Japanese the power of American-made goods. And, to barely a peep of public outcry, he recently mocked African diplomats as cannibals.

Hollings may be a buffoon and a bigot, but he is a powerful man in Congress. As chairman of the Senate Commerce Committee, he has ambitions that stretch beyond Capitol Hill to the labs, factories, and offices of America's high-tech companies. His National Competitiveness Act, a bill that combines high-tech pork and industrial policy with a dash of political correctness, passed the Senate in mid-March and is now in conference committee. A final bill is supposed to emerge in June or July.

The competitiveness bill would further extend the political process into the rough and tumble of entrepreneurship. As Hollings expressed its underlying philosophy in a floor speech, "We [elected officials] legislate the [nation's] fine standard of living." After all, he noted (as his Southern Democrat ancestors spun in their graves), "We built this industrial empire with protectionism."

The bill pitted two of the Senate's most disparate personalities against one another: Hollings and Republican Jack Danforth, the patrician Episcopalian minister from Missouri. Even though the bill passed by a 59-40 vote, Danforth and most Republicans were able to filibuster and to delay the final vote by three days. The debate became so nasty that Sen. Arlen Specter (R-Pa.) threatened to cite Hollings with a rules violation for insulting Danforth on the floor.

Sen. Jack Danforth: He opposes the competitiveness bill for saying, in effect, "If you have an idea which cannot hack it, come to uncle."

Anticipating a new source of federal funding, such industry heavyweights as Motorola, Intel, AT&T, and Honeywell backed the bill. Opposing it were academic economists and the National Venture Capital Association, a small trade group whose industry is threatened by the bill's subsidies.

INDEED, THE MOST CONTROVERSIAL AND most troubling provision of the competitiveness bill got the least funding: a two-year, $100-million "pilot" program that makes Uncle Sam a venture capitalist. The venture-capital program authorizes the Commerce Department's undersecretary of technology to grant licenses to "civilian technology companies"—existing or newly formed venture-capital firms that invest in businesses developing either "critical" or "advanced" technologies as defined by law.

Venture capitalists invest in new businesses that are too risky to get funding from banks or other financial institutions. Instead of loaning money and requiring the fledgling entrepreneur to start repaying the loan immediately, venture capitalists trade up-front cash for part ownership in new companies; venture firms make their money if and when the embryonic businesses go public or sell out to larger companies. Although they have backed pizza-delivery chains and retailers such as Staples, venture capitalists are best known for supporting high-technology companies with high growth potential.

And venture capitalists worry that the government money will distort their high-risk, high-return business by pulling scarce private dollars out of promising start-ups and well-run venture-capital funds and into less-commercial companies and subsidized but less expert venture-capital funds. They also fear that the regulation that comes with subsidies will spill over into their whole industry. Says Mark Heesen, director of legislative and entrepreneurial affairs at the National Venture Capital Association, "Venture capital, by its very entrepreneurial essence, is an industry which requires freedom from regulation in order to maintain its creative, risk-taking spirit."

Despite their odd designation as "technology companies," the federal licensees won't be manufacturers but financiers, using government money or loan guarantees to invest in businesses developing high-tech products. The bill authorizes $100 million in grants and up to $600 million in low-interest loans to the licensed venture capitalists.

To get a license, venture capitalists may face tough regulations and social engineering. The House version of the bill instructs the Commerce Department to target funding to "economically depressed areas" and businesses owned by "socially or economically disadvantaged individuals." The undersecretary can also limit "the aggregate amount of shares in any [venture-capital] licensee which may be owned by any stockholder." This provision, says Heesen, "lets political appointees [in the Commerce Department] and their bosses regulate financial markets."

THE PROGRAM'S FANS ARGUE THAT entry-level, high-tech entrepreneurs—the next generation of Bill Gateses—can't find money to bring their innovations to market. "The venture-capital market has dried up in the last several years," argues Sen. Jay Rockefeller (D-W.Va.), a principal supporter of the bill. "If Thomas Edison wanted to invent a light bulb these days, he would have to bring in Shea Stadium in his arms with all the lights on to convince venture capital that the light bulb is an idea which might be useful."

Rockefeller is wrong. The formal venture-capital market hasn't "dried up." New investments in funds went from $1.4 billion in 1991 to $2.6 billion in 1992. As the recession ended, reports Harvard Business School professor William Sahlman, "a significant increase in early-stage investing has taken place." And venture capitalists have also been willing to back long shots—witness their support for biotechnology companies with nothing more solid than a good idea.

Changes in taxes and regulations, trends in the greater economy, and the inherent riskiness of the types of firms venture capitalists back lead to dramatic fluctuations in venture-capital funding. New investments by formal venture-capital funds varied from $1.4 billion in 1982 to $3.4 billion in 1983; from $3.3 billion in 1986 to $4.2 billion in 1987 to $2.9 billion in 1988.

But formal venture-capital funds actually provide a tiny percentage of financing for new firms. In *Financing Entrepreneurs*, a 1993 book she edited, American Enterprise Institute technology policy analyst Cynthia Beltz reports that institutional venture capitalists finance only about 2,000 of the approximately 700,000 businesses that are incorporated each year. Carnegie Mellon University management professor Richard Florida says formal venture funds assist around 10 percent of high-tech start-ups.

New businesses get money from lots of informal sources—family members, second mortgages, business "angels" (such outside investors as Ross Perot or Lotus's Mitch Kapor), other companies. A Harvard Business School study shows that 75 of the 100 fastest-growing companies between 1982 and 1989 were self-financed from savings, credit cards, or other forms of personal debt.

The whole point of the competitiveness bill is to funnel money to areas that the marketplace might find too risky to support. In fact, the bill appears to guarantee that it will predominantly finance losers.

In *Financing Entrepreneurs*, Harvard's Sahlman and Carnegie Mellon's Florida assert that there is no shortage of money available for new businesses. Industrial-policy critic T. J. Rodgers, CEO of Cypress Semiconductor, says, "I could leave Cypress, write up a business plan, and raise $10 million in a week. No good idea goes unfunded."

EVEN IF VENTURE CAPITAL WERE SHORT, the federal government should stand clear of such inherently risky investments. The market research firm Venture Economics reports that between 1969 and 1985 one-third of the investments made by 13 venture-capital firms resulted in partial or total losses. Venture capitalists make money by striking it rich on a few investments, knowing that many others will turn sour.

But the whole point of the competitiveness bill is to funnel money to areas the marketplace might find too risky to support. Indeed, the bill appears to guarantee that it will predominantly finance losers. Before a civilian technology company can get a license from the Commerce Department, the company must show that it will make investments "in critical technology projects for which eligible technology firms cannot obtain necessary financing solely through commercial capital markets."

"I think this means that if you have an idea which cannot hack it, come to uncle," said Danforth, the bill's chief Senate opponent, during the floor debate. "We like bad ideas. If you have got a bad idea out there, we will fund it. In fact, if it is a good idea we will not fund it."

From the supersonic transport to the Synthetic Fuels Corporation to the Sematech consortium, the feds have a lousy record of supporting commercial technologies. The National Venture Capital Association's Heesen worries that the existence of federal venture-capital funding might lure private investors into throwing good money after bad.

And unlike venture capitalists, who have a financial incentive to cut their losses and let failing companies go under, the government has every incentive to keep pouring money into losers: Lawmakers' constituents demand it. Writing last year in *The Wall Street Journal* about the competitiveness bill, Carnegie Mellon economist Allan Meltzer noted that governments often confuse wealth creation with job creation. With government as a venture capitalist, politicians and the people who work in money-losing businesses will be able to demand subsidies to keep firms open and, as Meltzer says, to provide "hope for a better future."

When the bill reached the Senate, the Democrats appeared genuinely surprised at the intensity of Republican opposition.

Majority Leader George Mitchell expressed the exasperation of his party when, two days before the final vote, he complained that "we have [spent] nearly five full days [debating] a bill that is very similar to a bill passed in less than five minutes two years ago." In fact, just before Congress ended its 1992 legislative year, the Senate had easily passed a competitiveness bill; but the 1992 version authorized only $208 million in spending and didn't contain the venture-capital program. (That bill died without a House vote.)

Danforth, Kansas's Nancy Kassebaum, Georgia's Paul Coverdell, Colorado's Hank Brown, and other Republicans added amendments to the 1994 bill to, among other things, prohibit the Postal Service from penalizing businesses that use Federal Express and other private couriers, reform civil liability for piston-engine aircraft manufacturers, and make the cost of proposed federal regulations more visible. Hollings thundered that these amendments were not "germane" and were merely attempts to derail the bill.

That was indeed partly the point, though only partly. Republicans had hoped to get these amendments through Congress by attaching them to other bills likely to pass. And these amendments would certainly have enhanced "competitiveness" more than Hollings's bill.

The debate eventually got personal. Danforth, who had backed Sematech and the Chrysler Corporation bailout, appeared an unlikely opponent of the bill. But more recently, the Missourian has moved away from overt industrial policy and toward capital-gains tax reductions, tax credits for basic research, and less-targeted supports for businesses. Yet when Hollings correctly pointed out Danforth's past votes, he accused the Republican of engaging in "monkeyshines, which is a polite expression, maybe, for hypocrisy."

While Danforth didn't respond directly to Hollings's harangue, Specter defended his Republican colleague. He asked Hollings to apologize and tone down his rhetoric; unflattering personal comments directed from one senator to another violate Senate rules. After a heated exchange, Mitchell called "no harm, no foul," and returned the debate to the bill.

Outnumbered Republicans faced an almost-unified Democratic Senate (only New Jersey's Bill Bradley opposed the bill) and shaky support from liberals in their own party. Danforth was able to continue his filibuster only because Kassebaum insisted that her amendment to reform aircraft-manufacture liability remain attached to the bill. She was the swing vote, and after six days of debate, Mitchell made a deal: Kassebaum's aircraft amendment would be introduced as a separate bill and voted on immediately after the competitiveness act. Danforth could propose a separate amendment that removed the venture-capital program from the bill.

Congress is clumsily responding to legitimate concerns about the health of U.S. businesses. It is often difficult for mid-size companies to grow, because they have less access to venture capital and the stock market.

Danforth agreed. His amendment failed, 55-44. The entire bill passed by a 59-40 vote, and Kassebaum's bill passed, 91-8. The House and Senate will work out their differences in a conference this summer. As of early May, the House leaders had not appointed their conferees. With all the amendments attached to the Senate bill, one congressional staffer predicts a dozen committees may be involved in reconciling the two versions of the bill. "This conference is going to be a mess," he says.

Congress is clumsily responding to legitimate concerns about the health of American businesses. Cypress CEO Rodgers admits it can be difficult for mid-size companies to grow into big companies. Start-ups can get venture capital from a number of sources; large firms with healthy bond ratings can issue debt relatively cheaply and often have better access to the stock market. But mid-size companies face fewer, and less attractive, choices: borrowing heavily from commercial banks, issuing debt at junk-bond rates or stock at an equivalent discount. If Congress repealed the Glass-Steagall Act of 1933, banks could purchase securities from the same companies to which they loan money, giving medium-size companies a new source of equity capital.

Using the idiom of Democratic consultant James Carville, Rodgers suggests another change in policy that would help companies of any size: "Cut the capital-gains rate, stupid." When Congress reduced rates on capital-gains and other income taxes in 1981, new commitments to venture-capital funds doubled to $1.3 billion the first year. Lower capital-gains rates would also entice individuals and companies to make investments in established but growing companies.

Susan Eckerly, deputy director of economic policy studies at the Heritage Foundation, suggests other reforms: Make the business tax credit for research and development permanent; deregulate telecommunications; reform product-liability laws; reduce government mandates on employers—many of the sorts of amendments Republicans wanted to add to the competitiveness bill. Eckerly says she favors "anything that lets businesses keep their money and not send it to Washington."

Unfortunately, repeated government failures won't dissuade politicians from passing out the pork and claiming credit for the successes they may stumble across. Too few elected officials agree with Bill Bradley. "Government bureaucrats reading business plans and interviewing would-be Bill Gateses will not stimulate or expand the flow of private capital," he said. "Given a choice, I will stake my faith in markets and not in bureaucrats." R

Rick Henderson is Washington editor of REASON.

Family Affairs

By Charles Oliver

Fashions in family sitcoms swing between nasty and nice.

THE HANSENS, THE CLEAVERS, THE Bradys, the Huxtables, the Bundys, the Simpsons. Since the very beginning of the medium, situation comedies about families have been an important fixture on American television.

At first glance, the sitcom families of today don't look much like those of yesterday. *Family Affair*'s Mr. French and Uncle Bill never had to worry about Cissy getting knocked up by her boyfriend the way Roseanne and Dan Connor might on *Roseanne*. Viewers never really knew what Ward Cleaver did for a living (he was an accountant), but they could be sure he didn't goof off and screw up at work like Homer Simpson.

In many important ways, however, sitcom families have changed very little. Sitcoms are more apt these days to show family members bickering and trading insults. But contrary to popular belief, television on the whole still portrays families as both important and loving, and parents as the ultimate authorities in the home. This positive portrayal is especially true of the most recent batch of family-sitcom hits: top-rated *Home Improvement* and this season's new successes, *Dave's World* and *Grace Under Fire*.

A market-driven cycle seems to have developed in sitcoms' depictions of the family. An innocuous show will capture a large share of the viewing audience, and the networks will offer up countless imitators. Many of these shows will fail, but some will succeed. Eventually, several such series will be on the air. But viewers who don't like such shows, or who have grown tired of the sameness, will want something different. Sensing this untapped market, a programmer will take a chance on something more biting. If one of these shows succeeds, it creates its own imitators, and the process begins all over.

Home Improvement: Jill and Tim try to balance responsibilities as adults and parents with their desire to keep the child within them alive.

In the beginning, sitcoms were aimed at the entire family, but the key to getting that family was to hook the adults. Accordingly, parents were depicted as wise, caring, thoughtful, and firmly in control of their homes. Children were basically obedient and polite, if sometimes a little rambunctious. There were exceptions. *Leave It to Beaver*'s Eddie Haskell was a wiseass and troublemaker, but he was someone else's kid, not a member of the central Cleaver clan. *Father Knows Best*'s Bud was cut from a similar, though less obnoxious cloth, but he always got his comeuppance by the end of the episode.

Family-oriented sitcoms of the 1950s and '60s rarely left the home, and they never dealt with political issues. That changed in the '70s, thanks largely to one man: Norman Lear.

Beginning with *All in the Family*, Lear changed the world of television sitcoms. Lear's shows—including *Maude*, *Good Times*, and *One Day at a Time*—addressed controversial social and political issues that had been taboo in the genre. The real world intruded into the make-believe world in ways that would have been unthinkable just a few years earlier. Edith Bunker was almost raped. Archie Bunker openly worried about being laid off during the recession. Lear's daring paid off with solid ratings, particularly among the young urban adults craved by advertisers, and his formula was soon copied by many other situation comedies.

The parent-child relationship also changed. The children in '70s sitcoms were more likely to be teenagers or even young adults than their counterparts in the '50s and '60s, who were usually in their preteens or early teens. In part, this may have been an effort to attract young adult viewers who could more easily identify with teenagers than with small children.

Television children in the '70s were also more prone to out-and-out rebellion than their predecessors. It's hard to imagine one of the Cleaver children challenging his father's political beliefs the way Mike Stivic did with his father-in-law in *All in the Family*. It is impossible to imagine *Father Knows Best*'s Betty Anderson running away with a boy as Julie Cooper did in *One Day at a Time*.

BUT IN ONE IMPORTANT WAY SITUATION comedies didn't really change that much. Children might be more smart-mouthed and rebellious, but in the end the wisdom of the parent was proven true, the authority confirmed. Julie Cooper and her boyfriend quickly found they were incapable of dealing with the harsh life of runaways, and she eventually returned home and accepted her mother's rules. At a time when generational conflicts were tearing apart the country, it must have been reassuring, at least to parents, to see families coping with and surviving these problems.

For almost a decade, then, adult-oriented family sitcoms remained dominated

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by intergenerational conflicts and political debates. Eventually, people seemed to grow tired of the format. Ratings dived in the late '70s. By the early '80s, the industry's conventional wisdom declared the genre dead.

But no sooner had the conventional wisdom formed than Bill Cosby proved it wrong. Launched in 1984, *The Cosby Show* was a phenomenal success, helping lift NBC from third place to first in the prime-time ratings and spawning a host of imitators.

Cosby's formula was simple and very old-fashioned. He eschewed the politics and social issues that had helped kill sitcoms in the '70s—he was criticized, in fact, for portraying an affluent, untroubled black family. He returned to a '50s-style focus on well-meaning but goofy kids whose parents must constantly straighten out the messes they make. Cosby dominated the ratings for nearly a decade.

Three years after *The Cosby Show* went on the air, however, the first truly original sitcom in nearly 15 years showed up: *Married...with Children*. Finally, a sitcom dared to make fun of the central premise of all other shows of its type: that families are ultimately loving and that love provides their strength.

The creators of *Married...with Children*, Michael Moye and Ron Leavitt, had a long history of writing for sitcoms, and they took to the task of satirizing their previous work with a dark and gleeful relish. Al Bundy has no words of wisdom to impart to his children, which is just as well because they are too stupid to understand and too corrupt to care. Still, even this surreal and cynical show assumes the strength of family bonds. Al never cheats on his wife, even when presented with comely temptation, and he always dutifully provides for his ungrateful kin.

The show immediately caught on with young men, a group that hadn't really latched on to the *Cosby*-style sitcoms. And Rupert Murdoch, against the advice of the show's producers, gambled that *The Simpsons*—a gentler but nonetheless satirical view of families—could produce a counter-programming hit. He was right. Putting *The Simpsons* up against the aging *Cosby Show* proved a master stroke, giving the Fox network its first major hit.

Meanwhile, *Roseanne* brought back to television the blue-collar family, which had been missing since *All in the Family*. Like the parents of '50s sitcoms, Dan and Roseanne Connor keep a firm hand on their brood. But they keep that control as much with well-placed, and ultimately well-meaning, sarcasm and insults as they do with pearls of wisdom. Dan and Roseanne are smart and loving, but far from perfect. And like *All in the Family*, the show brings current events and issues into its fictional world.

THE LATEST BATCH OF SITCOMS SEEMS to have traded in this edginess for a more gentle humor. In the last couple of years, we've seen a contingent of sweet shows that often focus on the childish antics of adults. Their baby-boomer parent figures, like many of their viewers, are trying to balance their responsibilities as adults and parents with their desire to keep the child within them alive.

Take *Home Improvement*. The parents are firmly in control of the household. Both parents are equals, but one is more equal than the other. The father, Tim, is a bit of a lummox—not as all-wise as Jim Anderson of *Father Knows Best* or as dignified as Ward Cleaver, but not an Al Bundy–style lout, either. Tim is a well-meaning but somewhat goofy man. He takes delight in the practical jokes his three sons play and sometimes enjoys playing jokes on them. He gets upset if he isn't the center of attention.

And in a recurring bit, his attempts to make his household tools and appliances more powerful inevitably backfire. The dishwasher or the lawnmower or the weedwhacker runs out of control, wreaking havoc, after he has juiced it up. In one case, he burns down a friend's ice-fishing cabin by souping up its heater.

A recent episode focused on Tim's efforts, over his wife's objections, to get his youngest son into karate class. Although the males of the family assure the mother that karate will help the boy get into shape and learn discipline, all of the boys, and the father, are in fact excited about learning how to "kick butt." Tim inevitably gets into a minor altercation with the father of a bully in his son's class. And all the men learn that violence isn't the way to solve problems.

This show's gentle humor stands in marked contrast to the big shows that preceded it: *Married...with Children*, *The Simpsons*, and *Roseanne*. *Home Improvement*'s creator, Matt Williams, was also the creator of *Roseanne*, but he left that series after disagreements with Roseanne Arnold over the tone of the show. Interestingly, one of the successful new sitcoms—*Grace Under Fire*—is a kinder, gentler version of *Roseanne*. This series also focuses on a blue-collar female, but the wisecracks aren't nearly as pointed; the lead character isn't nearly as tough.

In one episode, Grace gives her son a birthday present, pretending it's from his no-good (and never seen) father, whom she left after years of abuse. Because she loves her son more than she hates her ex, she wants him to believe that his father cares about him and remembers his birthday. In the real world, this episode sparked a running advice-column dispute about whether Grace did the right thing.

If history proves a guide, we'll soon see a new crop of sitcoms that replace this niceness with bite and social commentary. One possible indicator: Norman Lear is back, with *704 Hauser*, set in Archie Bunker's old house. The show is less biting than *All in the Family*, but social issues are central to its scripts. The new family is black—which would have appalled Archie—and much of the show's plotting arises from the conflict between the liberal father and his conservative son, who has a white (liberal) girlfriend. Along with *South Central*, which sets a family sitcom amid the violence and poverty of South-Central Los Angeles, *704 Hauser* suggests that at least some producers think America is ready to again mix race and politics with family comedy. R

Contributing Editor Charles Oliver writes for Investor's Business Daily.

The Unquashed Masses

By Donald N. McCloskey

The Intellectuals and the Masses: Pride and Prejudice Among the Literary Intelligentsia, 1880–1939, by John Carey, New York: St. Martin's Press, 246 pages, $19.95

JOHN CAREY'S READABLE BOOK, WHICH was successful in Britain and is now issued over here, assaults what is known in English departments as "modernism." Modernism was best summarized by the poet Philip Larkin, who was also a jazz critic, as the "Three Ps": [Ezra] Pound, Picasso, and [Charlie "Bird"] Parker, the three artists who in Larkin's view destroyed modern art. Modernism's main *shtick* was and is obscurity. When T.S. Eliot versified in *The Waste Land* about the vulgar suburbanites coming to work—"Unreal City, / Under the brown fog of a winter dawn, / A crowd flowed over London Bridge, so many, / I had not thought death had undone so many"—he required two footnote references, one to Baudelaire and the other to the *Inferno*, III, 55-57.

In 1924 Virginia Woolf, who along with Eliot was one of the chief modernist baddies, declared: "On or about December 1910 human character changed." You bet. What did change on or about December 1910, give or take a decade, all over Europe, was the artistic theory of the avant garde. It was a burst of artistic -isms, from Italian futurism, French cubism, and German architecture to American imagism in poetry and Russian formalism in literary theory.

Carey's wider point, which brings the book out of the Department of English, is that the avant garde was in this way fleeing its bourgeois origins and keeping clear of the proletariat masses. It was making itself, at any rate in its imaginings, into a new aristocracy. "The intellectuals could not, of course, actually prevent the masses from attaining literacy. But they could prevent them from reading literature by making it too difficult for them to understand." The obscurity of modernism kept literature (and music and painting) in the hands of cultured chaps. It kept it out of the hands of clerks, suburbanites, Eastern European immigrants, and the other nasty creatures growing in such numbers.

NUMBERS. THE SPECTER THAT HAUNTED Europe and America circa 1910 was Malthusian numbers of vulgar clerks and dirty proles and foreigners, as in Eliot: "And the jew squats on the window sill, the owner, / Spawned in some estaminet of Antwerp." Says Carey: "Rewriting or reinventing the mass was an enterprise in which early twentieth-century intellectuals invested immense imaginative effort." The masses were Them; we were the New Aristocracy, who could read Ezra Pound and listen to 12-tone music.

It was a European obsession, tied up in European fears of a Malthusian crisis, which was adopted after a lag by American writers such as H.L. Mencken and Sinclair Lewis. Baudelaire and Nietzsche were the pioneers, leading their followers to an aristocratic contempt for democracy, capitalism, bourgeois values, and the United States of America. Baudelaire had spoken for example of "a knave in Benjamin Franklin's style, the rising bourgeoisie come to replace the faltering aristocracy." A nostalgia for aristocracy bubbled up in the century after 1848, a treason against the liberal polity. Modernism, says Carey, is a literary theory of fascism. One finds it still among certain literary intellectuals, many of whom think of themselves as politically progressive.

Carey's hero is Arnold Bennett (1867–1931), who wrote novels that clerks could read. Bennett was aware he stood apart: "Bennett's whole quarrel with intellectual

T.S. Eliot: The modernists' obscurity kept literature, music, and painting out of the hands of the uncivilized masses.

contempt for the masses is that it is a kind of deadness,...a dull, unsharpened impercipience shut off from the intricacy and fecundity of each human life." Bennett, like Dickens or the Brontë sisters, "did not see why what the masses liked should automatically be accounted trash." He wrote in 1901 that "everyone is an artist, more or less," in their lives and perceptions.

The modernist baddies are Nietzsche (Great Satan to all baddies) and his English-writing progeny Yeats, Pound, Eliot, Russell, Lawrence, Joyce, Woolf, Wyndham Lewis, Evelyn Waugh, Aldous Huxley, Graham Greene. The tiny band of bourgeois goodies down to the present includes Bennett, G.K. Chesterton, Conan Doyle, George Orwell, Stevie Smith, Philip Larkin, Ted Hughes.

The clerks around 1910 read Shaw and H.G. Wells, too, though Shaw and Wells, lucid in their writings and nothing like modernists in literary theory, preached an apocalypse in which supermen would run the show. Wells in particular, who figures as both a goodie and a baddie in Carey's book, grew pessimistic in a Malthusian way. The sheer bulk of the masses would overrun the earth, he lamented, spoiling the trout streams. (The contribution of Malthus to the social experiments of our century—eugenics, *Lebensraum*, extermination camps, urban renewal, and zero

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population growth—needs to be looked into.)

"All those damn little clerks," says a character in a Wells novel of 1901, with "no proud dreams and no proud lusts." The "swarms of black, brown, and dirty-white, and yellow people...have to go." George Bernard Shaw wrote the same way in 1910: "Extermination must be put on scientific basis." And D. H. Lawrence, who in *Aaron's Rod* (1922) advocated "a proper and healthy and energetic slavery," in 1908 had written presciently, "If I had my way, I would build a lethal chamber as big as the Crystal Palace, with a military band playing softly . Then I'd go into the back streets and bring them all in, all the sick, the halt, and the maimed."

IT WAS NOT JUST LITERARY MEN WHO talked this way, of course. They got their talk from scientists—and not, as is sometimes claimed by philosophers of science, from mere "pseudo-scientists," either. Malthus was a great scientist, if gravely mistaken. The social Darwinists were nobody's fools. In 1900 the great Karl Pearson, who invented modern statistics, wrote in his neopositivist bible *The Grammar of Science*: "What we need is a check to the fecundity of inferior stocks. It is a false view of human solidarity, which regrets that a capable and stalwart race of white men should advocate replacing a dark-skinned tribe." In 1925 he advocated in a scientific paper stopping Jewish immigration to Britain.

Carey piles up the evidence for his proposition that literary modernism and fascism are more than merely chronologically linked. George Moore, a leading figure in the Irish renaissance, wrote in 1888, "Injustice we worship....What care I that some millions of wretched Israelites died under Pharaoh's lash or Egypt's sun? It was well that they died that I might have the pyramids to look upon. I would give many lives to save one sonnet by Baudelaire."

The "proud dreams and proud lusts" of an aristocratic character, said to be so foreign to the masses of clerks, had their chief political expression in World War I. (The clerks in fact volunteered in great numbers, in the "Pals" battalions, and fought with aristocratic elan.) Thus the writer H. H. Munro ("Saki") wrote in 1914, "I have always looked forward to the romance of a European war," and two years later got his wish fulfilled personally by a German shell. Clive Bell, an art critic and friend to Woolf and to John Maynard Keynes, had this to say in 1928 about political theory: "To discredit a civilization it is not enough to show that it is based on slavery and injustice; you must show that liberty and justice would produce something better." Carey has compiled hundreds of such remarks.

A nostalgia for aristocracy bubbled up in the century after 1848, a treason against the liberal polity. Modernism, says Carey, is a literary theory of fascism.

His argument works. The modernist writers he attacks are The Canon in the study of literature. He is arguing, to use a form of words he would dislike, for widening the canon, bringing back to the center the writers who supported bourgeois life and democratic institutions. Casey even uncovers an anti-feminist line in modernism, the claim that women are more earthy than men and are therefore ethical idiots—this in sharp contrast to the Victorian notion that women embody ethical standards. Children come off badly, too: "Literary intellectuals in the first half of the twentieth century tended to opt for childlessness or child neglect." One puts down the book wondering how one could have admired for so long the wannabe aristocrats like Eliot or Lawrence, capable of such evil words.

Unhappily, Carey ruins his argument with a "Postscript," a mere seven pages that lead one to rethink whether he knows what he is talking about. Astonishingly, after all his exposure of "intellectual phobias about the masses" arising from a Malthusian aversion to population growth, the Postscript declares Carey himself to be a thoroughgoing Malthusian. It is hard, I suppose, to escape *all* the prejudices of the Sunday supplements, and we should be thankful that Carey has escaped so many of them.

AMAZINGLY, HE QUOTES WITH APPROVAL from *Mein Kampf*: "The day will certainly come when the whole of mankind will be forced to check the augmentation of the human species. Nobody can doubt that this world will one day be the scene of dreadful struggles for existence." In a sentence that could have come equally from *Mein Kampf* or the newsletter of the Sierra Club, Carey writes: "The remedies of the twenty-first century...will entail the recognition that, given the state of the planet, humans, or some humans, must now be categorized as vermin." My Lord. As Carey himself says of the crypto-fascist director of the Third Programme of the BBC, Rayner Heppenstall, this detestation of humanity "is perhaps best regarded as insane."

One should adjust for the sanity of the source, therefore, when hearing a page later in the Postscript that Carey also detests literary theory, which he collapses, as do the deep literary thinkers at *The New York Times*, into that most terrifying of words, "deconstruction." (What do you suppose the conservative judge and writer Richard Posner titled the section of *Law and Literature: A Misunderstood Relationship* [1988] when he wanted to frighten his lawyer readers into rejecting all interpretation of law or literature? "Deconstruction and Other Schools of Criticism." It's enough these days to call someone a "deconstructionist" to arouse a McCarthyite fury.)

True, some literary theorists are anti-bourgeois, anti-meaning, anti-capitalist, like their heroes and heroines the literary modernists. Shame on them. We should

ask them all to take a course in economics and in modern economic history. The literary critics should learn that modern economic growth can easily handle much greater human numbers, that natural resources have become a trivial constraint on production, and that the real welfare of the workers has increased since the 18th century by a factor of 12. But the hysteria against deconstruction has, as hysterias tend to do, blotted out distinctions. It is surprising that Carey, who is Merton Professor of English at Oxford, should descend to such crudities—although not perhaps in view of the Canon Wars that have so embittered English departments in Britain. Wars do that.

I wish Carey had not written the "Postscript." I would prefer to think of him as a literary man who knows enough about economics to know that Malthus was wrong and enough about literary theory to know that critics do much good work with its aid. But on his own theory of literary interpretation I cannot. If D. H. Lawrence's epistolary insanities about the will to power are to color our readings, so must Carey's postscriptive insanities about the future of the race and the wickedness of Jacques Derrida. It's a pity, because otherwise he has written a most illuminating book. ®

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Coase Encounters

By David R. Henderson

Essays on Economics and Economists, by Ronald H. Coase, Chicago: University of Chicago Press, 230 pages, $27.95

ARE YOU LOOKING FOR A BOOK BY an economist who can really write and who has insight after insight on free markets versus government regulation? Would you like it even better if you could get some good laughs from his clever way of putting things? Then Ronald H. Coase's *Essays on Economics and Economists* is the book for you.

One of the book's best articles is "The Market for Goods and the Market for Ideas." Presented originally in December 1973 at the American Economics Association meetings, it made many intellectuals squirm. In it, Coase notes that intellectuals tend to think government regulation of economic markets improves matters. When it comes to regulating the market for ideas, however, most intellectuals are positive that the government is utterly incompetent. Coase sticks the knife into this inconsistency, and, page by page, cleverly turns it. He points out that, while the press is often quite willing to accept and capitalize on stolen documents (as was the case with the *New York Times* publication of the "Pentagon papers" in 1971), it castigates others for stealing them. At the time of his speech, the Watergate burglary—an attempt to steal documents—was bringing down Richard Nixon. Quips Coase: "It is hard for me to believe that the main thing wrong with the Watergate affair was that it was not organized by *The New York Times*."

One of my other favorites is "Economics and Public Policy," based on a speech Coase gave in 1974 at UCLA. I remember the speech; I saw him give it. And it reads as well as I remember it. Coase's main message is that what economists have to say that "is important and true is quite simple—so simple indeed that little or no economics is required to understand it." But what is discouraging is that these simple truths are commonly ignored in economic policy discussions. One such insight is that if the government fixes a price below the market price, it will cause a shortage because at that lower price consumers will want to buy more and producers will want to supply less.

In the early 1970s, Nixon's price controls on gasoline were causing shortages, long lines, and violence. Coase tells of his colleague at the University of Chicago Law School, Edmund Kitch, giving a speech in Washington explaining how price controls were causing a shortage of natural gas. The audience was a typical Washington audience: Washington journalists, staff members of congressional committees, and so on. They showed little interest in Kitch's findings, says Coase, but much interest in who financed the study. Many assumed that it had been financed by the natural gas industry, which was not the case.

Coase writes, "A large part of the audience seemed to live in a simple world in which anyone who thought prices should rise was pro-industry and anyone who wanted prices to be reduced was pro-consumer. I could have explained that the essentials of Kitch's argument had been put forward earlier by Adam Smith—but most of the audience would have assumed that he was someone else in the pay of the American Gas Association."

WHO IS THIS GUY? FEW PEOPLE OUTSIDE the economics profession had heard of Coase before he won the Nobel Prize in economics in 1991. But he had a major impact on economics with just two articles, one published in 1937, the other in 1960. In the book's first essay, a reprint of the lecture he gave in accepting the Nobel Prize, Coase explains the significance of the two articles. The 1937 piece, "The Nature of the Firm," was probably the first attempt by an economist to explain why there are firms rather than just autonomous individuals exchanging things. Within firms, he pointed out, the price system—free markets—is rarely used. Coase asserted that firms arise as a way of economizing on the inevitable transaction costs of the price system. Competition ensures that we get the optimal combination of firms and arm's-

length market transactions. Coase notes that he had presented the essentials of his 1937 article in a 1932 lecture when he was 21. "It is a strange experience to be praised in my 80s for work I did in my 20s," says Coase.

His other major article was "The Problem of Social Cost" (1960). In it, Coase shows that if property rights were complete and if transaction costs were zero, then problems like pollution would be solved. How so? If the people hurt by the pollution had the right not to be polluted, they could either stop the pollution or sell their right to the person who wanted to pollute. If those suffering from pollution valued not being polluted more than the polluter valued being able to pollute, then the polluter would not be willing to pay enough to pollute and the pollution would cease. If, on the other hand, the person polluting had the right to pollute but valued being able to pollute less than the victims valued being free of pollution, then the victims would be willing to pay enough to get the polluter to stop. Notice something interesting: Whether the pollution occurs does not depend on who has the right. Irrespective of who has the right, the entity that values the right most dominates. The outcome is efficient. The insight was so stunning at the time that George Stigler, Coase's colleague at the University of Chicago, labeled it the "Coase Theorem."

IN THE SAME NOBEL PRIZE LECTURE, COASE outlines the significance of his theorem. He stresses that he is not claiming that transaction costs are zero. Rather, he is saying that if they were zero, there would be no problem; if they are positive, then we have to examine whether government or free markets would do a better job of solving pollution and other problems. The tendency before his article had been to assume that transactions are costly in free markets but that somehow the government could arrange things more efficiently.

A gentle man, Coase is also quite willing to take on some of the giants of economics when he disagrees with them. In one essay, "How Should Economists Choose?," Coase criticizes a famous 1953 article on methodology by Milton Friedman. Friedman had argued that the correctness of one's assumptions is unimportant and that all that matters for an economic theory is that it be capable of accurate predictions. Coase responds with a devastating counterexample.

Ronald Coase: The Nobel laureate sticks the knife into intellectual inconsistencies and, page by page, cleverly turns it.

"We could have predicted," writes Coase, "over the last few years what the American government's policies on oil and natural gas would be if we had assumed that the aim of the American government was to increase the power and income of the OPEC countries and to reduce the standard of living in the United States. But I am sure that we would prefer a theory that explains why the American government, which presumably did not want to bring about these results, was led to adopt policies which harmed American interests. Testable predictions are not all that matters. And realism in our assumptions is needed if our theories are ever to help us understand why the system works the way it does. Realism in assumptions forces us to analyze the world that exists, not some imaginary world that does not."

Or consider how he takes on Austrian-school economist Joseph Schumpeter in an essay on Adam Smith's *Wealth of Nations*. "Schumpeter," comments Coase, "acknowledges Smith's skill in rather grudging terms: 'He disliked whatever went beyond common sense. He never moved above the heads of even the dullest readers. He led them on gently, encouraging them by trivialities and homely observations, making them feel comfortable all along.' What Schumpeter means is the *Wealth of Nations* can be read with pleasure. It is clear, amusing, and persuasive. Adam Smith's style is, of course, very different than that of most modern economists, who are either incapable of writing simple English or have decided that they have more to gain by concealment."

My favorite part of Coase's *Essays* is the essays on economics. I found the essays on famous economists making up the book's second half less interesting. Of the latter, the most captivating pieces include an essay on George Stigler, written before Stigler died in 1991, and an essay on the London School of Economics in the 1930s. The piece on the LSE points out what was known at the time, and mainly forgotten now, namely that young economist F. A. Hayek was a major player at the school in the 1930s.

Coase also writes at length on Alfred Marshall, arguably the greatest economist of the late 19th century. The essay's best moment comes when Coase quotes from a letter Marshall wrote to a student about how mathematics should be used in economics: "(1) Use mathematics as a shorthand language, rather than as an engine of inquiry. (2) Keep to them till you have done. (3) Translate into English. (4) Then illustrate by examples that are important in real life. (5) Burn the mathematics. (6) If you can't succeed in (4), burn (3). This last I did often." R

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Planning for Profit

By Steven Hayward

Regulation for Revenue: The Political Economy of Land Use Exactions, by Alan Altschuler and Jose Gómez-Ibáñez, with Arnold Howitt, Washington, D.C.: The Brookings Institution and the Lincoln Institute for Land Policy, 175 pages, $11.95 paper

THE PROLONGED REAL-ESTATE SLUMP of the early 1990s has quashed most of the local controversies about growth that raged in various regions of the nation in the '80s. But the growth controversy promises to revive soon, as increasing population, the business cycle, and pent-up demand for new development combine to restart rapid growth.

The disputes about growth involve the issues of property rights, taxation, and government planning for public works such as transportation and water. But the growth issue opens a window on some of the larger and more ominous ailments of modern political economy, the nature of which is hinted at in the main title of Alan Altschuler and Jose Gómez-Ibáñez's recent study, *Regulation for Revenue: The Political Economy of Land Use Exactions.*

The phrase "regulation for revenue" refers to the recent but now widespread practice of imposing large "impact" fees, special assessments, and exactions on new residential and commercial real-estate development. Only about 10 percent of American localities imposed exactions before 1960, the authors note, while by the mid-'80s about 90 percent did. *Regulation for Revenue* is the most thorough survey to date of the surprisingly limited amount of economic literature that has been produced on this subject. And although the authors do not set out to be partisans on one side or another, they clearly recognize that crafting regulatory systems explicitly to produce revenue, as opposed to a traditional "compelling state interest" such as health and safety, represents "a dramatic power shift...from the owners of property to government officials."

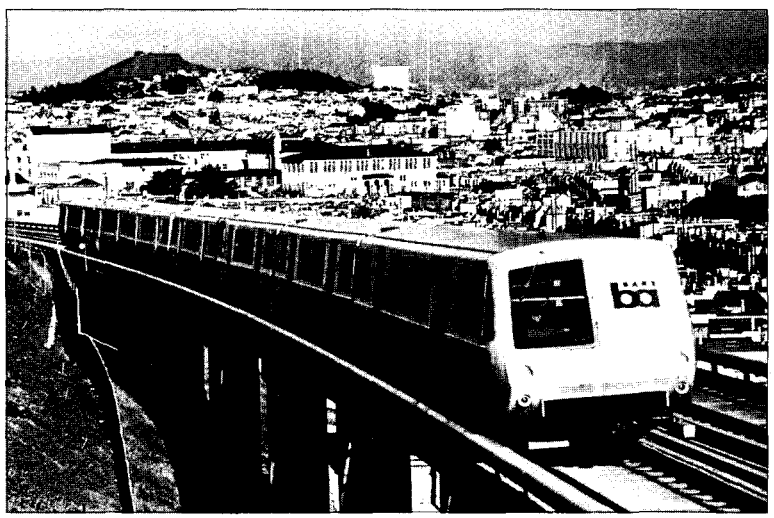
The other notable feature of this book is its recognition that "relevant market signals are almost entirely absent" from most aspects of urban planning today. The discussion of the virtue of road pricing and other market-based policies shows how ideas once confined to the pages of REASON have become part of the mainstream discussion.

THE USE OF IMPACT FEES AND EXACTIONS —as high as $40,000 for a single family home and $30 per square foot for commercial development in California— soared in the '80s, ostensibly as a way to get around anti-tax sentiment and voter-imposed tax limits such as California's Proposition 13 or Massachusetts's Proposition 2½. The chief justification for hefty increases in development fees is the contention that "growth doesn't pay for itself" through the incremental value added to the tax base. Altschuler and Gómez-Ibáñez summarize the few studies that have been done on this question, which show that whether growth pays for itself is far from clear.

Rather than getting drawn into the methodological ambiguities of this issue, it is more useful to concede the premise that growth doesn't pay for itself, because it leads to the land-use equivalent of the old saw about wife beating: Just when and how did growth stop paying for itself? After all, we managed to build schools and roads and sewers and water systems a generation ago without huge development impact fees, and with lower tax rates, too. The hypothesis to test is that perhaps growth never did pay for itself directly, but was "subsidized" from general tax revenue to a much greater extent than is true today.

A little sleuthing about fiscal trends in the context of urban growth brings into sharp relief the massive shift in public resources away from growth-related public works and toward the redistributive social programs of the welfare state. The point is: It is not the nature of growth that has changed but the nature of government fiscal policy. If state and local governments devoted the same proportion of their budgets to growth-related public works as they did 30 years ago, new development would have little trouble "paying for itself."

It is not simply the inertia of welfare-state social spending programs that keeps this fiscal irresponsibility from being recognized and redressed. As a value-free social-science inquiry, *Regulation for Revenue* doesn't get into these issues very deeply. But the authors can't help but recognize some of the profound temptations that this new environment presents. For



"Regulation for revenue": San Francisco levies fees on commercial construction to help pay for BART. Crafting regulatory systems explicitly to produce revenue represents a "dramatic power shift...from the owners of property to government officials."

BAY AREA RAPID TRANSIT

goo-goo ("good government") types, impact fees have the obvious attraction of being even more thoroughly hidden than their first cousin, the value-added tax. "They do not show up on anyone's tax bill," Altshuler and Gómez-Ibáñez write, "and while they are likely to drive up developer prices they remain imperceptible even to purchasers as a distinct cost item." Together with the enhanced regulatory regime to which impact fees are ineluctably linked, this new way of governing development has led to huge new opportunities at the local government level for socialist-minded reformers and has contributed to the bureaucratization of local government across the country.

LOCAL PLANNING DECISIONS USED TO be fairly straightforward matters, handled by small city planning departments and overseen by part-time city councils. Now most growing cities—even small ones—have large planning departments and de-facto full-time city councils (even if still nominally part-time) dominated by the activist-type politician described in Alan Ehrenhalt's *The United States of Ambition*. Local anti-growth sentiment provides the political base for ambitious goo-goos to build what are essentially local ministries of economic planning.

The new "regulation for revenue" is starting to go well beyond simply paying for growth-related public works such as roads and sewers. The latest wave in this game is to impose "linkage" fees for "social infrastructure needs" such as child care, mass transit, and affordable housing. In this perverse version of "market failure," new commercial development is said to create an unfilled "need" for transit, housing, child care, and so forth. San Francisco, for example, imposes a mass transit fee of up to $5.00 a square foot on commercial development to help pay the massive tab for BART (Bay Area Rapid Transit) and other red-ink transit projects. Other cities have successfully imposed fees for child care and affordable housing. Such fees have withstood court challenge, under an extremely elastic understanding of the "nexus" principle outlined in the famous *Nollan* case.

The "nexus" principle holds that there must be a reasonable and direct relation between a development and the service the government provides for that development. A new home will result in the need for a road and a sewer line, for example. But arguing that a new office building results in a need for publicly supplied mass transit or child care is like saying that a new restaurant should have to pay an impact fee to buy land for farmers to grow the food. It goes without saying that the lack of affordable housing in most jurisdictions that want to impose affordable housing fees is the result not of "market failure" but of local government regulations preventing the marketplace from providing lower-priced housing. (A sequel to the *Nollan* case, *Dolan v. City of Tigard*, was recently heard by the U.S. Supreme Court. But even if the Court finds in favor of the property owner in this case, it is unlikely to trim the "nexus" principle very much.)

This *de facto* economic planning and resource allocation is the most ominous aspect of regulation for revenue, and there has been very little serious study and commentary on the issue. If local governments continue to get away with this kind of "social need" fee, the trend could point the way for states and even the federal government to get in on the act, especially in an era of tight budgets. Can a "crime impact fee" for prisons be far away in the age of "three strikes and you're out"? After all, a house attracts burglars, and shopping malls attract thieves.

The "collapse of socialism" and the supposed triumph of free markets have become cliché in recent discourse. The regulation-for-revenue trend is yet another piece of evidence that these rumors are premature, that both illiteracy about market economics and the urge for socialism persist in many mutant forms. ®

Contributing Editor Steven Hayward is research and editorial director for the Pacific Research Institute in San Francisco.

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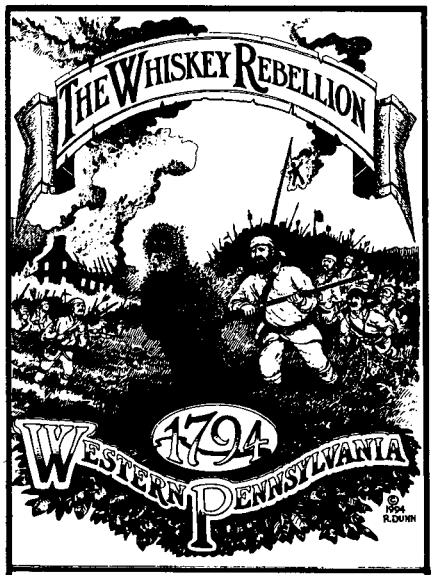

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Taming of the Shrill

By Thomas W. Hazlett

Missing Nixon

THE PASSING OF RICHARD MILHOUS Nixon brings a big chill to political junkies who came of age in the '70s. What a thrill to be an undergraduate by day, Watergate addict by night! I recall a friend asking me early in 1973, when White House heads were just starting to roll: Do you think they'll get Nixon's? Impossible. He's the *president.*

Well, before it was over, the president's *and* vice president's heads had been sliced and diced. What an exquisite scandal it was, filled with dirty tricks and enemies lists and obstructions of justice and expletives deleted. It seemed to me that this was democracy at its finest hour, uncovering the filthy linen that the emperor would just as soon have burned. The people triumph! And what a glorious moment for the Fourth Estate. They basked in the glow that Jefferson had cast for them, as a free society's only natural predator upon the political class.

But alas. The press has now been cleansed by the magical healing powers of Whitewater and has decided to forsake the grubby and sleaze-happy masses, elevating itself to more lofty matters, "moving on with the nation's business." That the news media should be in collective denial over Whitewater is a cold shower to those of us who took Watergate seriously. We thought it was *abuse of power* that was wrong. We now see it is abuse of *Republican* power.

The mainstream media have spun through so many renditions of scandal avoidance that the Clinton administration should be investigated to determine if Bill and Hillary are actually paying those troublesome Social Security employment taxes for the Washington press corps. If they are skating here, too, the revenuers deserve lawful compensation for at least six press tunes:

They're attacking Hillary; insecure men just can't deal with strong women. Strong or weak, when Mrs. Clinton's law firm represents the Arkansas high and mighty while Mr. Clinton taxes and regulates them, it looks like a bribe-laundering scheme for the governor. This Rose doesn't pass the smell test.

Arkansas state troopers are shady characters; Arkansas bleached blondes are bimbos. Somehow the credibility of the hicks who outed Playboy Billy instantly became the story. And poor Gennifer Flowers. Her revelations only prompted the press to ask: What self-respecting journalist would get his leads from a tabloid? This sort of drive-by character assassination seems to tickle the press corps, when it isn't reproaching itself for not respecting the Clintons' assumption of innocence.

THE CLINTONS ARE SO STUPID FOR THE WAY they're handling this thing. Only if you assume they aren't guilty of anything. For weeks the press beat this dead horse. One wonders: When did stonewalling turn into a tactical error?

Republicans like Alfonse D'Amato are hypocrites. Even Al Franken, the quasi-comedy act at this year's White House correspondents' dinner, dismissed Whitewater with a *tsk, tsk, Al D'Amato.* Sound a little like, "it didn't start with Watergate"? Yeah, that was Nixon's line—only Nixon actually had to come up with it himself.

Whitewater is a terrible distraction: How can you talk about what happened in Little Rock 15 years ago when 37 million don't have health care? Tricky Dick could have seen this bet—and doubled it. What's a little third-rate burglary when 100 million Indochinese lives are on the line? And old Spiro T. Agnew could have used some statute-of-limitations help on a measly $2,500 bribe (or two) from before he ever became vice president. (And if Spiro had known about "Red" Bone's commodity-market magic, he would have been president of the United States.)

Whitewater doesn't even compare to Watergate. Talk about killing the investigative spirit. *Watergate* didn't compare to Watergate before the facts were uncovered. And the real key to unlocking that scandal was the discovery during congressional hearings of Nixon's famous tape recordings–an investigative tool so far avoided in Whitewater.

I remember the attack-dog press in its heyday, when reporters chased Republicans up a tree, barking like bloodhounds. When scandal was in the air, they didn't do 90-minute *Nightline* specials wondering whether the press was being too tough on the politicians. They pounded on the vaunted Credibility Gap, howled over each appearance of impropriety, and fixed on "the public's right to know" as their guiding star.

Nowadays, *Newsweek*'s Eleanor Clift, in an "interview" with the First Lady, asks the following hardball question: "So if there was nothing wrong, why were you so resistant to making records public? My theory is that you have a thing about privacy." (Six of Clift's 10 "questions" do not end with question marks.)

Since the press now considers coverage of White House ethics to be a costly diversion, it has become the responsibility of news editors to delineate which set of facts the public should be allowed to consider. The *Times* they are a-changin'.

I say: Bring back Nixon. At least then the battle lines were clear, and we had the press in our foxhole. ®

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis.

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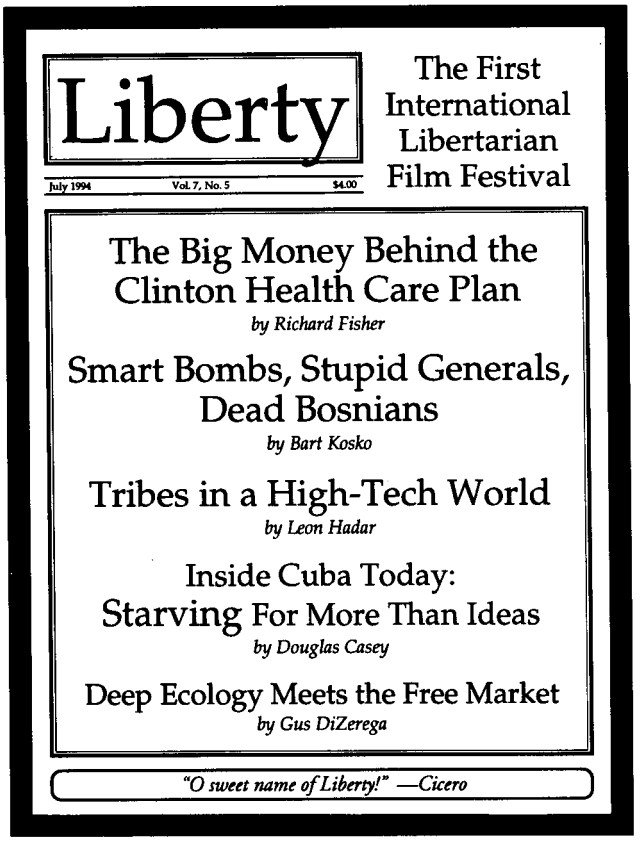
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